

**TRANSPORTATION RULES
OF
THE GEORGIA DEPARTMENT OF MOTOR VEHICLE SAFETY**

**CHAPTER 4
SAFETY AND HAZARDOUS MATERIALS**

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**SUBCHAPTER 4-1
MOTOR CARRIER SAFETY**

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4-1-1 Applicability.

(a) The motor carrier safety rules and regulations of the Department are the minimum safety requirements for all motor carriers operating both for hire and in private transportation in either interstate or intrastate commerce in Georgia, and to the extent that they do not conflict with Georgia law; and where applicable, are the same as the Motor Carrier Safety Regulations issued by the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, contained in Title 49 of the Code of Federal Regulations, Parts 350, 382, 383, and 390 through 397 (see Note), and as amended. (See Individual Section Pages and Notes).

(b) All references to the U.S. Department of Transportation except when used to designate approval of mechanical specifications shall be interpreted to mean the Department.

(c) Any reference in the regulations to the "Administrator, Federal Motor Carrier Safety Administration" shall be interpreted to mean Commissioner, Department of Motor Vehicle Safety, except insofar as the term relates to preemption.

(d) All references to “interstate” commerce shall be interpreted to include “intrastate” commerce. It is the intent of the Department that the regulations shall apply to intrastate carriers and their operations.

(e) Where the Federal regulations as adopted by the Department refer to “carriers” or “motor carriers,” the term shall mean all for hire and private motor carriers subject to the Department’s jurisdiction pursuant to Title 46 O.C.G.A.

Note: Copies of the U.S. Department of Transportation’s Motor Carrier Safety Regulations may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, D. C. 20402

4-1-2 Reports.

(a) All reports required by the safety regulations shall be sent to the Department of Motor Vehicle Safety, 2206 East View Parkway, Conyers, Georgia 30013, in addition to any copies required to be sent to any Federal Agency.

(b) The Department will accept forms prescribed by the U.S. Department of Transportation where required by the safety regulations.

4-1-3 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. §46-2-93 and §46-7-39.

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §46-2-91.

4-1-4 Construction.

(a) Unless amended herein, the rules in this chapter numbered beyond 4-1-300 shall generally be the same as the rules contained in the Federal Motor Carrier Safety Regulations. Where reference is made to a federal rule number (e.g., “390.5”) the compatible state rule shall be deemed to be “4-1-” followed by the Federal rule number (e.g., “49 CFR §390.5” becomes “4-1-390.5”).

(b) References on Department documents to a Federal rule by Federal Section number shall be construed as a valid cite of the Department’s rules and regulations without listing the entire Department’s section reference (e.g., “390.15” equals “4-1-390.15”).

Part 350**Commercial Motor Carrier Safety Assistance Program****4-1-350 Commercial Motor Carrier Safety Assistance Program.**

Except as amended by the Department herein, the balance of Rule 4-1-350 is contained in Commercial Motor Carrier Safety Assistance Program Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 350, and as amended.

4-1-350.1 Purpose.

Insofar as necessary to insure consistency with federal regulations, the Department adopts this Part in order to assist with the implementation and maintenance of an ongoing motor carrier and hazardous materials safety program.

Part 382**Controlled Substances and Alcohol Use and Testing****4-1-382 Controlled Substances and Alcohol Use and Testing.**

Except as amended by the Department herein, the balance of Rule 4-1-382 is contained in Controlled Substance and Alcohol Use and Testing Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 382, and as amended.

Reserved (No Department amendments)

Part 383**Commercial Driver's License Standards; Requirements and Penalties****4-1-383 Motor Carrier Safety Regulations—Commercial Driver's License Standards.**

Except as amended by the Department herein, the balance of Rule 4-1-383 is contained in Commercial Driver's License Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 383, and as amended.

Reserved (No Department amendments)

Part 390**General****4-1-390 Motor Carrier Safety Regulations—General.**

Except as amended by the Department herein, balance of Rule 4-1-390 is contained in the Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, in Title 49 CFR Part 390, and as amended.

Subpart A—General Applicability and Definitions**4-1-390.3 (a) & (f) General Applicability.**

(a) The rules in Subchapter B of this chapter are applicable to all employers, employees, and commercial motor vehicles, which transport property or passengers in interstate or intrastate commerce.

(f) *Exceptions.* All motor carriers and commercial motor vehicles are subject to and shall comply with the motor carrier safety rules as prescribed by the Department. The Department's rules do not apply to:

(1) All school bus operations as defined in 390.5;

(2) Transportation performed by the Federal government, the State of Georgia, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States.

(3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;

(4) The transportation of human corpses or sick and injured persons;

(5) The operation of fire trucks and rescue vehicles while involved in emergency and related operations;

(6) Those carriers excepted pursuant to the provisions of O.C.G.A §46-1-1 et. seq.

4-1-390.5 Definitions.

Except as amended by the Department herein, balance of 4-1-390.5 definitions are contained in the Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 49 CFR §390.5, and as amended.

The following definitions are inserted in the appropriate alphabetical order:

Commercial Motor Vehicle (CMV) means any self-propelled or towed vehicle used on public highways in interstate or intrastate commerce to transport property or passengers when the vehicle—

(a) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of 10,001 pounds or more, whichever is greater; or

(b) Is designed to transport 16 or more, including the driver; or

(c) Is of any size and used in the transportation of hazardous materials under regulations issued by the Department under Subchapter 4-2, the Hazardous Material Safety Rules; or

(d) Is of any size and is operated by a for hire motor common or contract carrier or a carrier exempt from the economic regulations of the Department, but is otherwise subject to the Safety Rules of the Department (For “lightweight commercial motor vehicle” see definition this section).

Exempt intracity zone means the corporate limits of a municipality only as related to motor vehicles operated by for hire motor common or contract carriers and said vehicles are being operated exclusively within the corporate limits of a municipality, subject to the jurisdiction of the municipality.

Exempt motor carrier means a person engaged in transportation exempt from economic regulation by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, or their successor agencies under 49 U.S.C. 10526; or the Department of Motor Vehicle Safety under O.C.G.A. §46-1-1(9)(C)(xi), (xii), (xiii), or (xiv); or a motor carrier engaged in the contract transportation of U.S. Mail. “Exempt motor carriers” are subject to the Department’s safety rules and regulations.

Lightweight commercial motor vehicle means any self-propelled or towed vehicle less than 10,001 pounds gross vehicle weight rating or gross combination weight rating, and with a seating capacity of less than 16 persons, including the driver, operated by:

(a) a for hire motor carrier; or

(b) a carrier exempt from the economic jurisdiction of the Department but otherwise subject to the safety rules of the Department; or

(c) a private carrier transporting hazardous materials in a quantity not required to be placarded. “Lightweight commercial motor vehicles” must only comply with the following safety regulations: §§390.19; 391.11(b)(2), (3), (5), and (7); all of part 392 except §§392.8, 392.22, 392.62, and 393.63; all of part 393, except §393.95; all of part 396, except §§396.3(b), 396.11; 396.13, 396.15, and 396.17 (For marking requirements of lightweight commercial motor vehicles, see Department’s Transportation Rule 8-4.2).

Limousine or Luxury limousine means a motor vehicle as defined in Department’s Transportation Rule 3-1.5. Limousine vehicles that do not meet the definition of “luxury limousine” are included in the definition of “lightweight commercial motor vehicle.” (For safety requirements for luxury limousines, see Subchapter 4-4 of the Department’s Transportation Rules.)

Person - (See Department’s Transportation Rule 3-1.5 for definition).

Private motor carrier of property means every person except motor common or contract carriers owning, controlling, operating, or managing any motor propelled vehicle, and the lessees or trustees thereof or receivers appointed by any court whatsoever, used in the business of transporting property in private transportation not for hire over any public highway in this state. The term “private carrier” shall not include:

(a) Motor vehicles not for hire engaged solely in the harvesting or transportation of forest products; provided, however, that motor vehicles not for hire with a manufacturer’s gross weight rated capacity of 44,000 pounds or more engaged solely in the transportation of unmanufactured forest products shall be subject to the Georgia Forest Products Trucking Rules provided for in O.C.G.A. §46-1-1; or

(b) Motor vehicles not for hire engaged solely in the transportation of road-building materials; or

(c) Motor vehicles not for hire engaged solely in the transportation of unmanufactured agricultural or dairy products between farm, market, gin, warehouse, or mill whether such vehicle is owned by the owner or producer of such agricultural or dairy products or not, so long as the title of the product remains in the name of the producer; or

(d) Except for the motor vehicles excluded under subparagraph (c) of this paragraph, motor vehicles having a manufacturer’s gross vehicle weight rating of 10,000 pounds or less; provided, however, that motor vehicles which have a manufacturer’s gross vehicle weight rating of 10,000 pounds or less and which are transporting hazardous materials, as defined in Title 49 CFR, Parts 107, 130, 171-173, and 177-180, shall be included within the meaning of the term “private carrier.”

Road-building material (See Department’s Transportation Rule 3-1.5 for definition).

Special Agent See Appendix B to Subchapter B—Special Agents. Any reference to “Special Agent” shall also include any law enforcement personnel of the Department designated pursuant to O.C.G.A. §46-7-28, §46-11-6, and Department’s Transportation Rule 1-3.3.

Surge brakes means a system of brakes on a trailer or semitrailer in which the trailer service brakes are activated as a result of the forward pressure of the trailer against the towing vehicle during deceleration.

4-1-390.15(c) Assistance in investigations and special studies.

(c) Motor carriers shall obtain and maintain on file for a period of at least one year a legible copy of any police or insurance company accident report for any accident involving motor vehicles which they own or control.

4-1-390.17 Additional equipment and accessories.

Nothing in this subchapter shall be construed to prohibit the use of additional equipment and accessories, not inconsistent with or prohibited by this subchapter, provided such equipment and accessories do not decrease the safety of operation of the motor vehicles on which they are used.

4-1-390.19(j) – (m) Motor carrier identification report. (Intrastate motor carriers)*(j) Motor carrier identification report.*

(1) All motor carriers currently conducting operations solely in intrastate commerce shall file with the Department a Motor Carrier Identification Report (Form DMVS MCS–150 GA), and obtain a motor carrier identification number. Exception: The provisions of this paragraph do not apply to a motor carrier that:

- (i) Also engages in interstate or foreign commerce, and
- (ii) Has filed an MCS–150 with the FMCSA, or
- (iii) Has received written notification of a safety rating from FMCSA.

(2)(i) All private motor carriers beginning operation after the effective date of this rule shall file the Motor Carrier Identification Report (Form DMVS MCS–150 GA), within 90 days after beginning operations; and,

- (ii) All for-hire motor carriers beginning operation after the effective date of this rule shall file the Motor Carrier Identification Report (Form DMVS MCS–150 GA), prior to beginning operations.

(3) The Motor Carrier Identification Report, Form DMVS MCS–150 GA, is available from the Department of Motor Vehicle Safety, P.O. Box 161227, Atlanta, Georgia 30321, or by calling (404) 678-6171. A copy may also be downloaded from the Department's web site at <http://www.dmv.ga.gov>.

(4) The completed Motor Carrier Identification Report (Form DMVS MCS–150 GA) shall be filed in one of the following ways:

- (i) By mail: Department of Motor Vehicle Safety, P.O. Box 161227, Atlanta, Georgia 30321, or
- (ii) By facsimile: (404) 675-6197, or
- (iii) In person: Department of Motor Vehicle Safety, 1200 Tradeport Blvd., Hapeville, Georgia 30354.

(5) A carrier which engages solely in intrastate commerce and subsequently begins interstate operations shall comply with the provisions of Title 49 CFR §390.19, and shall submit a copy of the FMCSA MCS–150 to the Department in one of the manners listed above.

(k) *Name to be used.* Only the legal name or a single trade name of the motor carrier may be used on the Motor Carrier Identification Report (Form DMVS MCS-150 GA).

(l) *Display requirement.* Upon receipt and processing of the Motor Carrier Identification Report, Form DMVS MCS-150 GA, the Department will issue the motor carrier identification number (USDOT number). The motor carrier must display the number on each self-propelled

commercial motor vehicle (except lightweight commercial motor vehicles), as defined in §4-1-390.5, along with the additional information required by §4-1-390.21.

(m) *Failure to report.* Failure by a motor carrier to file a Motor Carrier Identification Report, Form DMVS MCS-150 GA, pursuant to the provisions of this section, or furnishing misleading information or making false statements upon the DMVS MCS-150 GA shall subject the offender to civil and/or criminal penalties as provided for by law.

4-1-390.21 Marking of commercial motor vehicles and motor carrier identification numbers.

(a) *General.* Every self-propelled commercial motor vehicle operated in interstate or intrastate commerce and subject to the Department Transportation Rules in subchapters 4-1, 4-2, or 4-4 must be marked as specified in paragraphs (b), (c) and (d) of this section.

(b) *Nature of marking.* The marking must display the following information:

(1) The legal name or a single trade name of the motor carrier operating the self-propelled commercial motor vehicle, as listed on the motor carrier identification report (Form MCS-150 or DMVS MCS-150 GA) and submitted in accordance with § 4-1-390.19.

(2) The motor carrier identification number issued by the FMCSA or the Department, preceded by the letters "USDOT" (Example: USDOT 0000000).

(2.1) If the carrier is engaged solely in intrastate transportation, the motor carrier identification number preceded by the letters "USDOT" and followed by the letters "GA" (Example: USDOT 000000 GA). A solely intrastate motor carrier shall affix to all self-propelled motor vehicles the motor carrier identification number described herein within 30 days of obtaining said number.

(3) If the name of any person other than the operating carrier appears on the commercial motor vehicle, the name of the operating carrier must be followed by the information required by paragraphs (b)(1), and (2) of this section, and be preceded by the words "operated by."

(4) Other identifying information may be displayed on the commercial motor vehicle if it is not inconsistent with the information required by this paragraph.

(5) Each motor carrier shall meet the following requirements pertaining to its operation:

(i) All commercial motor vehicles that are part of a motor carrier's existing fleet on July 3, 2000, and which are marked with an ICC MC number must come into compliance with paragraph (b)(2) or (2.1) of this section by July 3, 2002.

(ii) All commercial motor vehicles that are part of a motor carrier's existing fleet on July 3, 2000, and which are not marked with the legal name or a single trade name on both sides of their commercial motor vehicles, as shown on the Motor Carrier Identification Report, Form MCS-150 or DMVS MCS-150 GA, must come into compliance with paragraph (b)(1) of this section by July 5, 2005.

(iii) All commercial motor vehicles added to a motor carrier's fleet on or after July 3, 2000, must meet the requirements of this section before being put into service and operating on the public highways. Any commercial motor vehicles that are part of a motor carrier's existing fleet on July 3, 2000, that were not marked in compliance with the version of this rule that was in effect on July 2, 2000, must comply with all requirements of this amended section before continuing operation on the public highways of this state.

(c) *Size, shape, location, and color of marking.* The marking must —

- (1) Appear on both sides of the self-propelled commercial motor vehicle;
- (2) Be in letters that contrast sharply in color with the background on which the letters are placed;
- (3) Be readily legible, during daylight hours, from a distance of 50 (15.24 meters) feet while the commercial motor vehicle is stationary; and
- (4) Be kept and maintained in a manner that retains the legibility required by paragraph (c)(3) of this section.

(d) *Construction and durability.* The marking may be painted on the commercial motor vehicle or may consist of a removable device, if that device meets the identification and legibility requirements of paragraph (c) of this section, and such marking must be maintained as required by paragraph (c)(4) of this section.

(e) *Rented commercial motor vehicles.* A motor carrier operating a self-propelled commercial motor vehicle under a rental agreement having a term not in excess of 30 calendar days meets the requirements of this section if:

- (1) The commercial motor vehicle is marked in accordance with the provisions of paragraphs (b) through (d) of this section; or
- (2) The commercial motor vehicle is marked as set forth in paragraph (e)(2)(i) through (iv) of this section:
 - (i) The legal name or a single trade name of the lessor is displayed in accordance with paragraphs (c) and (d) of this section;
 - (ii) The lessor's identification number, issued by the FMCSA or the Department, preceded by the letters "USDOT" is displayed in accordance with paragraphs (c) and (d) of this section; and
 - (iii) The rental agreement entered into by the lessor and the renting motor carrier conspicuously contains the following information:
 - (A) The name and complete physical address of the principal place of business of the renting motor carrier;

(B) The identification number issued the renting motor carrier by the FMCSA or the Department, preceded by the letters "USDOT," if the motor carrier has been issued such a number. In lieu of the identification number required in this paragraph, the following may be shown in the rental agreement:

(1) Information which will indicate if the motor carrier is engaged in "interstate" or "intrastate" commerce; and

(2) Information which indicates whether the renting motor carrier is transporting hazardous materials in the rented commercial motor vehicle.

(C) The sentence: "This lessor cooperates with all federal, state, and local law enforcement officials nationwide to provide the identity of customers who operate this rental commercial motor vehicle;" and

(iv) The rental agreement entered into by the lessor and the renting motor carrier is carried on the rental commercial motor vehicle during the full term of the rental agreement. See the leasing regulations at 49 CFR 376 for information that should be included in all leasing documents.

(f) *Driveaway services.* In driveaway services, a removable device may be affixed on both sides or at the rear of a single driven vehicle. In a combination driveaway operation, the device may be affixed on both sides of any one unit or at the rear of the last unit. The removable device must display the legal name or a single trade name of the motor carrier and the motor carrier's USDOT number.

4-1-390.23(a)(3)(i) Tow trucks responding to emergencies.

The exemption provided by paragraph (a)(3) of this section is effective only when a request has been made by a Federal, State or local police officer for tow trucks to move wrecked or disabled motor vehicles. The exemption shall apply to Parts 393 and 396 of these regulations only until the wrecked or disabled vehicles can be removed from the roadway to a place of safety where the tow operator can comply, not to exceed five miles distance, or, on a limited access highway, the next available exit, rest area, weigh station, or accident investigation site, whichever comes first.

Part 391**Qualifications of Drivers****4-1-391 Motor Carrier Safety Regulations—Qualifications of Drivers.**

Except as amended by the Department herein, Balance of Rule 4-1-391, is contained in the Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 391, and as amended.

4-1-391.2(f) General exemptions.

(f) *Limited exceptions for intrastate drivers.* Drivers of commercial motor vehicles are excepted from the following provisions of Part 391 if the terms and conditions contained herein are met:

(1) §391.41(b)(3), relating to diabetes mellitus;

(2) §391.41(b)(8), relating to epilepsy;

(3) §391.41(b)(10), relating to visual acuity, provided the driver has distant visual acuity of at least 20/40 (Snellen) in one eye without corrective lenses or visual acuity of corrected to 20/40 (Snellen) or better with corrective lenses, distant monocular acuity of at least 20/40 (Snellen) in one eye with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in one eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

(4) No driver may be grandfathered under the provisions of this section after March 31, 1993. Provided, however, a driver who is “grandfathered” under the above provisions will remain qualified to operate a commercial motor vehicle under the exceptions provided for in subparagraphs (1), (2), and (3) of this section so long as the driver is physically examined every 24 months and the examining physician determines that the existing medical or physical condition that would render the driver not qualified under the Federal Motor Carrier Safety Regulations has not worsened or another condition has not manifested itself.

4-1-391.43(d) and (f) Medical examination; certificate of physical examination.

(d)(1) Any driver authorized to operate a commercial motor vehicle within an exempt intracity zone pursuant to §391.62 shall furnish the examining medical examiner with a copy of the medical findings that led to the issuance of the first medical examination which allowed the driver to operate a commercial motor vehicle wholly within an exempt intracity zone.

(2) Any driver authorized to operate a commercial motor vehicle solely in intrastate commerce pursuant to §391.2(f) shall furnish the examining medical examiner with a copy of the medical findings that led to the issuance of the first medical examination which allowed the driver to operate a commercial motor vehicle solely in intrastate commerce.

(f)(4) If a medical examiner determines the driver is qualified to drive only a commercial motor vehicle in intrastate commerce pursuant to §391.2(f), the following statement or other statement identifying the holder as a grandfathered driver, shall appear on the medical examiner's certificate: "MEDICALLY UNQUALIFIED UNLESS DRIVING INTRASTATE."

4-1-391.61 Drivers who were regularly employed before January 1, 1971, July 1, 1972, and April 1, 1984.

(a) The provisions of §391.21 (relating to applications for employment), §391.23 (relating to investigations and inquiries), §391.31 and §391.33 (relating to road tests) do not apply to a driver who has been a single-employer driver (as defined in §390.5 of this subchapter) of an interstate motor carrier for a continuous period which began before January 1, 1971, as long as he/she continues to be a single-employer driver of that motor carrier.

(b) The qualification file for a driver of a for hire motor carrier engaged solely in intrastate commerce who has been a regularly employed driver of the motor carrier for a continuous period which began before July 1, 1972 must include, as minimum, the following:

(1) The medical examiner's certificate of his/her physical qualification to drive a motor vehicle or a legible copy of the certificate;

(2) The letter granting a waiver of a physical disqualification, if a waiver was issued under §391.49;

(3) The note relating to annual review of the driver's driving record required by §391.25;

(4) The response of each state agency to the driver's record inquiry required by 391.25(a); and,

(5) Any other matter which relates to the driver's qualifications or ability to drive a motor vehicle safely.

(c) The qualification file for a driver of a private carrier engaged solely in intrastate commerce who has been a regularly employed driver of the motor carrier for a continuous period which began before April 1, 1984 must include, as minimum, the documents specified in paragraph (b) of this section.

4-1-391.75 Drivers of lightweight commercial motor vehicles; intrastate drivers.

The provisions of §391.11(b)(1) (relating to minimum age) do not apply to: A driver of a lightweight commercial motor vehicle as defined in §390.5 operated in interstate or intrastate commerce; and a driver of a commercial motor vehicle engaged solely in intrastate commerce. The driver of a motor vehicle described in this section need only be 18 years of age.

Part 392

Driving of Commercial Motor Vehicles

4-1-392 Motor Carrier Safety Regulations—Driving of Commercial Motor Vehicles.

Except as amended by the Department herein, Rule 4-1-392 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 392, and as amended

4-1-392.5(a)(3)(ii) Alcohol Prohibition.

(ii) Possessed or used by bus or limousine passengers.

Part 393**Parts and Accessories Necessary for Safe Operation****4-1-393 Motor Carrier Safety Regulations—Parts and Accessories Necessary for Safe Operation.**

Except as amended by the Department herein, balance of Rule 4-1-393, is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 393, and as amended.

4-1-393.11PL Strobe lamp on the rear of projecting loads.

(a) Motor vehicles transporting loads of logs, long pulpwood, poles, or posts which extend more than 4 feet beyond the body or bed of such vehicle, shall have securely affixed as close as practical to the end of such projections one amber strobe type lamp equipped with a multi-directional type lens so mounted as to be visible from the rear and sides of the projecting load. If the mounting of one strobe lamp cannot be accomplished so as to be visible from both sides and the rear of the projecting load, multiple strobe lamps shall be utilized so as to meet the visibility requirements.

(b) The strobe lamp shall flash a rate of at least 60 flashes per minute and shall be plainly visible from a distance of at least 500 feet to the sides and rear of the projecting load any time of the day or night. The lamp shall be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway.

(c) The use of red marker lamps on projecting loads as enumerated in O.C.G.A. §40-8-27, being transported on vehicles under the jurisdiction of the Department of Motor Vehicle Safety, are not required if a strobe lamp is utilized as required by this rule.

(d) The projecting load shall also be marked with flag(s) as required by §393.87 of these rules.

(e) In addition to the requirements of this section and §393.11 above, motor vehicles transporting projecting loads in interstate commerce are required to comply with the Federal Motor Carrier Safety Regulations under Title 49 CFR.

4-1-393.41 (d) Parking brake system.

(d) Every commercial motor vehicle, of a year model of 1966 or later, shall be equipped with a parking brake that meets the requirements of O.C.G.A. §40-8-52.

4-1-393.42 (c) Brake Requirements for Manufactured Homes, Modular Homes, Sectional Houses, and Portable Buildings, and (d) Surge Brakes.

(c) Manufactured homes, modular homes, sectional houses and portable buildings in excess of 12 feet wide, must be equipped with operating brakes on at least one-half of the axles of the manufactured home, trailer or dolly transporting a modular home, sectional house or

portable building. If unit has three (3) or more axles, at least two (2) axles must be equipped with functioning brakes.

(d) *Surge brakes.* Any trailer or semitrailer may utilize surge brakes, subject to the following conditions and limitations:

(1) The vehicle or combination of vehicles does not include a vehicle designed or used to transport 16 or more passengers, including the driver;

(2) The trailer or semitrailer has a gross vehicle weight rating which does not exceed 12,000 pounds;

(3) The combination of vehicles does not exceed a gross combination weight rating of 26,000 pounds;

(4) The actual gross weight of the trailer or semitrailer and load does not exceed the manufacturer's gross vehicle weight rating;

(5) The trailer or semitrailer brakes must be designed and connected in such a manner that in case of accidental breakaway of the towed vehicle the brakes shall apply automatically;

(6) The trailer or semitrailer is not used to transport hazardous materials in a type and quantity which requires placarding;

(7) The trailer or semitrailer is not used to transport liquids or gases contained in packaging which exceeds 119 gallons capacity; and

(8) The vehicle or combination of vehicles is used only in intrastate commerce and complies in all other respects with licensing, insurance, registration, identification, driver and vehicle safety, and hazardous materials regulations of the Department and U. S. Department of Transportation applicable to such vehicles or combination of vehicles.

4-1-393.87 Flags on projecting loads.

(a) Any motor vehicle having a load or vehicle component which extends more than 4 inches beyond the sides or more than 4 feet beyond the rear shall have the extremities of the load marked with a red flag, not less than 12 inches square, at each point where a lamp is required by Department Transportation Rule 4-1-393.11.

(b) The flag as required by Department Transportation Rule §393.11PL shall be of a bright red or orange color not less than 12 inches square which is clearly visible and shall be displayed in such a manner that the entire area of the flag is visible from the rear of the vehicle. Such a display shall be accomplished by a rigid type flag, or a rigid type mounting frame for a flexible flag, or by other means at least as effective.

(c) Flags may be made either partially or completely of a retro reflective material.

4-1-393.95 Emergency equipment

(g) *Restrictions on the use of flame-producing devices.* No vehicle transporting unmanufactured forest products may be equipped with or use any flame-producing stopped vehicle warning devices, including, but not limited to, liquid-burning flares, fusees, oil lanterns.

4-1-393.100(e) What occupant protection is required for drivers?

(e) Occupant protection for drivers transporting log, poles, posts, beams, or articles of cargo of similar shape. In addition to any other requirements of this subpart, vehicles operated in this state while transporting loads of logs, poles, posts, beams, or articles of cargo of similar shape shall be equipped with an occupant protection device (commonly known as a headache rack, header board, header rack, or front end structure) firmly mounted between the cargo and the driver. Such device shall be intended to protect the driver from the forward shifting of such loads in the event of rapid deceleration of the vehicle. The device may be mounted to the frame of the power unit or trailer, shall be installed and maintained in a workmanlike manner, and shall be free of cracks or breaks. The size, strength, and penetration resistance of such occupant protection device shall be the same as described in §393.114. An equivalent device (such as a trailer drop deck or similar device) may substitute for an occupant protection device provided the level of protect is equal to or greater than that provided by this section.

4-1-393.100(g) Special rule for unmanufactured forest products vehicles.

~~(1) Basic protection components.~~ Each cargo-carrying motor vehicle must be equipped with devices providing protection against shifting or falling cargo that meet the following requirements:

~~(a) Each motor vehicle transporting logs, tree-length pulpwood and short wood (pulpwood) equipped with permanent, fixed, or trip standards shall have the load secured with tie-downs meeting the requirements of §393.102, as follows:~~

~~(i) Option A.~~ Each load of short pulpwood loaded perpendicular to the axis of the truck or trailer body shall be required to be secured by only one binder chain or cable, strap, or other chain meeting the specifications as provided in this paragraph.

~~(ii) Option B.~~ Each tree-length load of pulpwood or logs shall be required to be secured with no less than two binder chains, cables, straps or other chains which shall be located at the center and end of the load. Such binder chains, cables, straps or other chains shall meet the specifications provided in this paragraph.

~~(iii) Option C.~~ Each load of pulpwood or cut logs loaded on multiple racks, shall be required to be secured by only one binder chain meeting the specifications of this paragraph.

~~(iv) Option D.~~ Each load of sawdust, wood chips, bark, or pine straw carried in open top trailers must be secured on the top with a tarpaulin or similar cover, which must prevent the loss of cargo in normal transportation. Tarpaulins alone may not be used for side securement, but may be used to supplement other side securement.

~~(b) All such chains, cables, or straps shall be equipped with load binder and hardware (tightening device). Said binders or tightening device shall meet the minimum strength requirements specified in paragraph (a), above.~~

~~(c) All pallets or racks used to carry pulpwood or logs shall be bound to the frame or body of the truck or trailer.~~

~~(d) All standards must be of metal construction of a strength which will secure the load if the load shifts.~~

~~(i) Each standard must be adequately anchored to the bolster in such a manner that the load will be secured if the load shifts.~~

~~(ii) Standard extensions must be of metal construction and firmly secured to the standard.~~

~~(iii) Each trip standard must be secured with a locking pin and cable of sufficient strength to hold the standard in an upright position if the load shifts.~~

~~(iv) Loads shall not extend beyond the height of the highest standard.~~

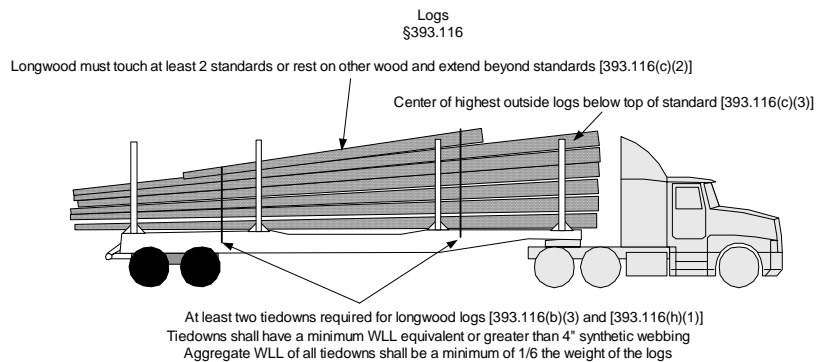
~~(v) Standards and standard extensions must not extend beyond a total trailer height of thirteen feet, six inches (13' 6").~~

~~(e) Chains, binders, cables, straps, and other securement devices must be in good condition. Chains may not be bolted together, and any repairs to chains must be of the clevis type and at least the strength of the original chain.~~

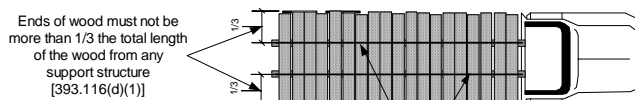
4-1-393.116(h) Strength and positioning of tiedowns.

(h) Strength and positioning of tiedowns.

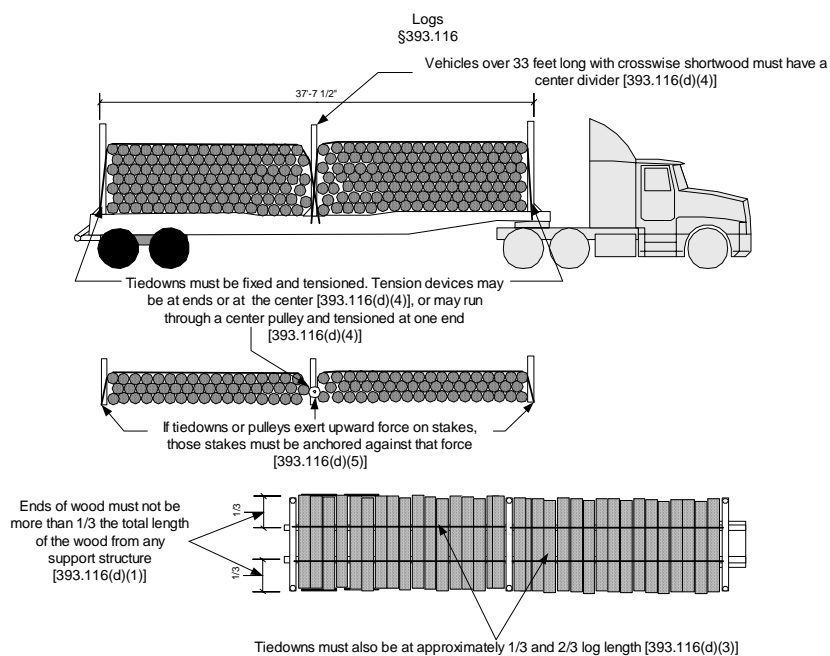
- (1) Longwood (commonly known as tree-length wood) loaded lengthwise (as described in paragraphs (b)(3) and (f) of this section) shall be secured to the vehicle with two or more tiedowns, spread out and positioned along the length of the load to provide effective securement. The tiedowns must encircle the top of the load and must be attached to the frame or bunk of the vehicle at each end providing downward pull on the load. When two tiedowns are used, each tiedown and tensioning device shall be equal or greater in working load limit (WLL) strength to that of 4" synthetic webbing as described in §393.108 and the aggregate WLL strength of all the tiedown assemblies shall be equal to at least one-sixth the weight of the load of logs.
- (2) Double-bunked wood loaded lengthwise (shortwood or longwood) shall be secured to the vehicle with two or more tiedowns per section. The tiedowns shall be spread out and placed near the ends of the section or near the standards to provide effective securement. The tiedowns must encircle the top of the load and must be attached to the frame or bunk of the vehicle at each end providing downward pull on the load. When two tiedowns are used, each tiedown and tensioning device shall be equal or greater in WLL strength to that of 3" synthetic webbing as described in §393.108 and the aggregate WLL strength of the tiedown assemblies shall be equal to at least one-sixth the weight of the section of logs.

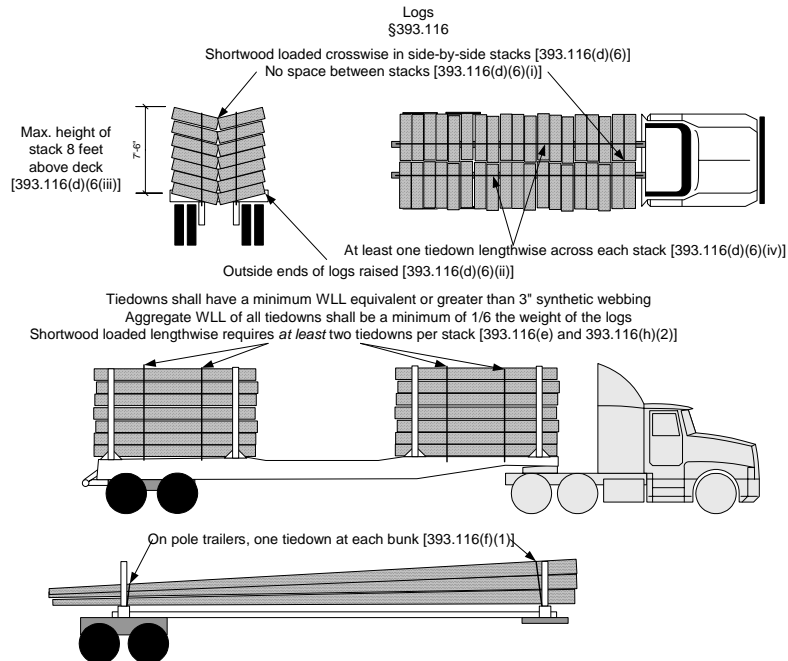


IMPORTANT NOTE: Additional tiedowns may be required for shorter wood or low friction situations [393.116(c)(4)]



Single stack of wood requires 2 tiedowns, attached to the vehicle frame, running lengthwise [393.116(d)(2)]
Tiedowns must also be at approximately 1/3 and 2/3 log length [393.116(d)(3)]





4-1-393.117 What are the requirements for securing sawdust, wood chips, bark, or pine straw?

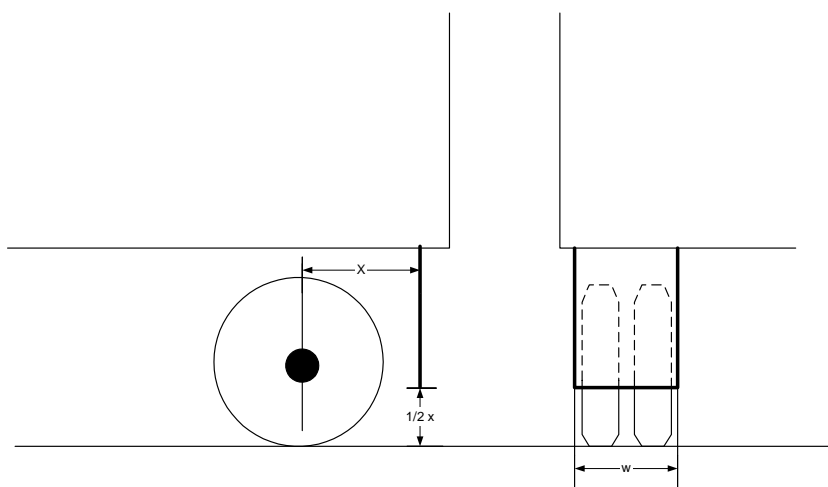
Each load of sawdust, wood chips, bark, or pine straw carried in open top trailers must be secured on the top with a tarpaulin or similar cover, which must prevent the loss of cargo in normal transportation. Tarpaulins alone may not be used for side securement, but may be used to supplement other side securement. Furthermore, such loads must meet the applicable general cargo securement rules of §§ 393.100 through 393.114.

4-1-393.201(a) Frames.

- (a) The frame of every motor vehicle shall not be cracked, loose, sagging, or broken.

4-1-393.220 Tire covers (wheel flaps; mud flaps).

Every bus, truck, trailer, semi-trailer, and pole trailer, shall be equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels to prevent, as far as practicable, such wheels from throwing dirt, gravel, rocks, water or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-half the distance from the center of the rearmost axle to the center of the protector or flap under any conditions of loading of the vehicle and shall be at least as wide as the tire or tires they are covering; provided, however, that if any such bus, truck, trailer, semi-trailer, and pole trailer is so designed and constructed that the foregoing requirements are accomplished by means of fenders, body construction, or other enclosures, then no such protectors or flaps shall be required. (See O.C.G.A. §40-8-75)



x = distance from center of rear axle to center of mud flap
 $1/2 x$ = maximum height above road
 w = minimum width

Part 394**Notification and Reporting of Accidents****4-1-394 Motor Carrier Safety Regulations—Notification and Reporting of Accidents.**

Except as amended by the Department herein, Rule 4-1-394 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 394, and as amended.

REMOVED AND RESERVED

(Special Note: For definition of “accident,” see 49 CFR §390.5. For accident record keeping requirements, see 49 CFR §390.15(b). For hazardous materials spill reporting requirements, see 49 CFR §171.15 and §171.16)

Part 395**Hours of Service of Drivers****4-1-395 Motor Carrier Safety Regulations—Hours of Service of Drivers.**

Except as amended by the Department herein, Rule 4-1-395 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 395, and as amended.

As used in this regulation, the term “utility service vehicles” shall have the same meaning as that found in 49 C.F.R. 395.2 except it shall be limited to commercial motor vehicles used in the furtherance of repairing, maintaining, or operating delivery of electricity. This exemption specifically relates to utility service vehicles that are owned or operated by corporations and electric cooperatives that are engaged solely in intrastate commerce or activity related to the ultimate delivery of public utility services to consumers.

This exemption shall remain in effect until January 4, 2005, provided the amendments are valid and remain in effect as that date. Hours of service regulations, which are applicable in this state immediately prior to January 4, 2004, shall remain applicable to utility service vehicles engaged solely in intrastate commerce in this state until January 4, 2005. If the United States Department Transportation issues an official finding that this provision may result in the loss of Federal Motor Carrier Safety Assistance Program funding, then this exemption shall be repealed immediately. If federal law or regulations are amended at any time to exempt utility service vehicles, as defined above, from the hours of service requirements, any exemption shall be effective in this state immediately for the duration of the federal exemption.

4-1-395.1(k)(3) *Georgia planting and harvesting seasons.* Based on information provided by the Georgia Department of Agriculture, the Department finds that the planting and harvesting seasons for Georgia cover 365 days each year.

Part 396**Inspection, Repair, and Maintenance****4-1-396 Motor Carrier Safety Regulations—Inspection, Repair, and Maintenance.**

Except as amended by the Department herein, balance of Rule 4-1-396 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 396, and as amended.

4-1-396.9 Inspection of motor vehicles in operation.

(a) *Personnel authorized to perform inspections.* Every Law Enforcement Officer of the Department or other persons designated by the Department are authorized to stop, enter upon, and perform inspections of motor carrier's vehicles in operation; said personnel are further authorized to examine vehicles, including, but not limited to, cargo and compartments where cargo or equipment and supplies may be carried, driver's compartments and sleeper berths, and to examine documents normally carried onboard such vehicles, including but not limited to, driver qualification and training documents, driver's licenses, records of duty status, hours of service records, inspection reports, shipping documents, leases, permits, vehicle registrations, and insurance documents. This authority includes all stations, garages, offices, vehicles and their compartments, and all records kept or required to be kept.

(b) *Prescribed inspection report.* The Driver Vehicle Inspection Report shall be used to record results of motor vehicle inspections conducted by authorized personnel. In addition to or in place of written documents, inspections may be recorded in electronic form.

(c) *Motor vehicles, drivers, and cargo declared "out of service."*

(1) The Department shall establish uniform "out of service" criteria for placing unsafe vehicles, drivers, and cargo out of service. An "out of service" sticker shall be used to mark vehicles out of service. Authorized personnel shall declare and mark "out of service" any motor vehicle, which by reason of its mechanical conditions or loading would likely cause an accident or breakdown. Authorized personnel are further authorized to declare "out of service" any driver who violates or otherwise fails to comply with "out of service" criteria established pursuant to Parts 107, 130, 171-185, 382, 383 and 390-397.

(2) No motor carrier shall require or permit any person to operate any motor vehicle declared and marked "out of service" until all repairs required by the "out of service" notice have been satisfactorily completed. No driver declared "out of service" pursuant to criteria established under this section shall drive a motor vehicle, until the condition that caused the "out of service" action has been remedied and the conditions set forth in the "out of service" notice have been met. No cargo declared "out of service" pursuant to criteria established under this section shall be moved until the condition that caused the "out of service" action has been remedied and the conditions set forth in the "out of service" notice have been met. The term "operate" as used in this section shall include towing the vehicle, except that vehicles marked "out of service" may be towed away by means of a vehicle using a crane or hoist (commonly referred to as a wrecker). A vehicle combination consisting of an emergency towing vehicle and an "out of service"

vehicle shall not be operated unless such combination meets the performance requirements of this subchapter except for those conditions noted on the Driver Vehicle Inspection Report. Hazardous materials cargo declared “out of service” may be allowed to be moved to the nearest facility with equipment and personnel capable of handling such materials.

(3) No person shall remove the “out of service” vehicle sticker from any motor vehicle prior to completion of all repairs required by the “out of service” notice.

(4) Violations or defects noted on the Driver Vehicle Inspection Report which do not render the driver, vehicle, or cargo “out of service” shall be repaired or corrected as soon as possible, but in any case before the vehicle, driver, or cargo is dispatched on another trip.

(d) Motor Carrier disposition.

(1) The driver of any motor vehicle receiving an inspection report shall deliver it to the motor carrier operating the vehicle upon his or her arrival at the next terminal or facility. If the driver is not scheduled to arrive at a terminal or facility of the motor carrier operating the vehicle within 24 hours, the driver shall immediately mail the report to the motor carrier.

(2) Motor carriers shall examine the report. Violations or defects noted thereon shall be corrected.

(3) Within 15 days following the date of the inspection, the motor carrier shall—

(i) Certify that all violations noted have been corrected by completing the “Signature of Carrier Official” and “Date Signed” portions of the form;

(ii) When applicable, have the repairer complete the “Signature of Repairer,” “Facility,” and “Date” portions of the report; and

(iii) Return the completed inspection form to the Department at the address indicated on the report.

(e) *Penalties.* Violation of an “out of service” order, or false, fraudulent, or misleading statements regarding correction of the driver, vehicle, or cargo defects may subject the driver, carrier, and repairer, to civil and criminal penalties as provided for by law.

Part 397

Transportation of Hazardous Materials; Driving and Parking Rules.

4-1-397 Motor Carrier Safety Regulations—Transportation of Hazardous Materials; Driving and Parking Rules.

Except as amended by the Department herein, balance of Rule 4-1-397 is contained in Federal Motor Carrier Safety Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 397, and as amended.

RESERVED (No Department Amendments)

**TRANSPORTATION RULES
OF
DEPARTMENT OF MOTOR VEHICLE SAFETY**

**SUBCHAPTER 4-2
HAZARDOUS MATERIALS SAFETY**

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Part 4-2-171	Response Plans	Part 4-2-179	Packaging
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Part 4-2-172	Regulations, and		Packaging
	Definitions		Continuing Qualification
	Hazardous Materials Table,		and Maintenance of
	etc.		Packaging

4-2-1-1 Applicability.

(a) The hazardous materials rules and regulations of the Department of Motor Vehicle Safety are the minimum requirements for all motor carriers operating both for hire and in private transportation in either interstate or intrastate commerce in Georgia, and to the extent that they do not conflict with Georgia law; and where applicable, are the same as the Hazardous Materials Regulations issued by the U.S. Department of Transportation, Research and Special Programs Administration, contained in Title 49 of the Code of Federal Regulations, Subtitle B, Chapter I, Subchapters A, B, and C, Parts 107, 130, 171-173, and 178 through 180 (and as amended) (See Individual Rule Pages and Notes).

(b) Any reference in the regulations to the "Associate Administrator" shall be interpreted to mean Commissioner, Department of Motor Vehicle Safety, except insofar as the term relates to—

- (1) packaging design, construction, manufacture; or
- (2) the issuance of exemptions from this chapter; or
- (3) authorizations issued under this chapter; or
- (4) preemption.

(c) All references to "interstate" commerce shall be interpreted to include "intrastate" commerce. It is the intent of the Department that the regulations shall apply to intrastate carriers and their operations.

(d) Where the Federal regulations as adopted by the Department refer to "carriers" or "motor carriers," the term shall mean **all** for hire and private motor carriers subject to the Department's jurisdiction pursuant to O.C.G.A. §46-1-1 et. seq.

NOTE: Copies of the U.S. Department of Transportation's Hazardous Materials Regulations may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402.

4-2-1-2 Reports.

(a) All reports required by the hazardous materials regulations shall be sent to the Department of Motor Vehicle Safety, 2206 East View Parkway, Conyers, Georgia 30013, in addition to any copies required to be sent to any Federal Agency.

(b) The Department will accept forms prescribed by the U.S. Department of Transportation where required by the hazardous materials regulations.

4-2-1-3 Hazardous Materials Permits.

(a) See Chapter 9 for rules governing permits for the transportation of radioactive materials, liquefied natural gas, and polychlorinated biphenyl.

4-2-1-4 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. §46-2-93 and §46-7-39.

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §46-2-91.

4-2-1-5 Construction.

(a) Unless amended by the Department herein, the rules in this chapter numbered beyond 4-2-100 shall generally be the same as the rules contained in the Federal Hazardous Materials Regulations. Where reference is made to a federal rule number (e.g., "171.9") the compatible state rule shall be deemed to be "4-2-" followed by the Federal rule number (e.g., "49 CFR §171.9" becomes "4-2-171.9").

(b) References on Department documents to a Federal rule by Federal Section number shall be construed as a valid cite of the Department's rules and regulations without listing the entire Department section reference (e.g., "171.8" equals "4-2-171.8").

Part 107**Hazardous Materials Program Procedures****4-2-107 Hazardous materials program procedures.**

Except as amended by the Department herein, the balance of Rule 4-2-107 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 107, and as amended.

4-2-107.1(g) & (h) Purpose and scope.

(g) Insofar as this part contains regulations which apply to the transportation of hazardous materials by motor vehicle, the Department adopts them for purposes of enforcement and consistency with federal law and regulations.

(h) Where this subchapter makes references to the "Associate Administrator for Hazardous Materials Safety," said term shall mean the Commissioner, Department of Motor Vehicle Safety, except insofar as the term relates to—

- (1) packaging design, construction, manufacture; or
- (2) the issuance of exemptions from this chapter; or
- (3) authorizations issued under this chapter; or
- (4) preemption.

Part 130**Oil Spill Prevention and Response Plans****4-2-130 Oil Spill Prevention and Response Plans**

Except as amended by the Department herein, the balance of Rule 4-2-130 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 130, and as amended.

4-2-130.1 Purpose.

This part prescribes prevention, containment, and response planning requirements of the Department applicable to transportation of oil by motor vehicle.

Part 171**General Information, Regulations, and Definitions****4-2-171 General Information, Regulations, and Definitions.**

Except as amended by the Department herein, the balance of Rule 4-2-171 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, in Title 49 CFR Part 171, and as amended.

4-2-171.1(a) - (c), & (g) - (h) Purpose and scope.

(a) This subchapter prescribes the requirements of the Department governing—

(1) The offering of hazardous materials for transportation and transportation of hazardous materials in interstate, intrastate, and foreign commerce by motor vehicle.

(2) The representation that a hazardous material is present in a package, container, or motor vehicle.

(3) The manufacture, fabrication, marking, maintenance, reconditioning, repairing, or testing of a packaging or container which is represented, marked, certified, or sold for use in transportation of hazardous materials.

(4) The use of terms and symbols prescribed in this subchapter for the marking, labeling, placarding, and description of hazardous materials and packaging used in their transport.

(b) Any person who, under contract with any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government, transports, or causes to be transported or shipped, a hazardous material or manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a package or container which is represented, marked, certified, or sold by such person as qualified for use in the transportation of a hazardous material shall be subject to and comply with all provisions of the Federal hazardous materials transportation law, all orders and regulations issued thereunder, and all other substantive and procedural requirements of Federal, State, and local governments and Indian tribes (except any such requirements that have been preempted by the Federal hazardous materials transportation law or any other Federal law), in the same manner and to the same extent as any person engaged in such activities that are in or affect commerce is subject to such provisions, orders, regulations, and requirements.

(c) Any person who knowingly violates a requirement of Department hazardous material rules, an order issued thereunder, any order, rule, or exemption requirement, shall be subject to criminal and civil penalties as provided for by law, in addition to any penalties which may be imposed by the Federal Hazardous Materials Law or Regulations.

(d) The regulations of this subchapter pertaining to prohibited or restricted practices shall apply to all persons, motor vehicles, packaging, and freight containers subject to the jurisdiction of the Department; those prohibited practices shall include, but not be limited to, misrepresentation of placarding, marking, labeling, and specifications.

(e) Where this subchapter makes references to the “Associate Administrator for Hazardous Materials Safety,” said term shall mean the Commissioner, Department, except insofar as the term relates to—

- (1) packaging design, construction, manufacture; or
- (2) the issuance of exemptions from this chapter; or
- (3) authorizations issued under this chapter; or
- (4) preemption.

4-2-171.8 Definitions.

Balance of §171.8 definitions, except as amended herein, are contained in the Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, contained in Title 49 CFR §171.8. The following definitions are inserted in 49 CFR §171.8 in the appropriate alphabetical order:

Private motor carrier of property - (See Department Transportation Rule 4-1-390.5)

Road-building material - (See Department Transportation Rule 3-1.5)

Part 172

Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements

4-2-172 Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements.

Except as amended by the Department herein, the balance of Rule 4-2-172 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 172, and as amended.

RESERVED (No Department Amendments)

Part 173

General Requirements for Shipments and Packaging

4-2-173 General Requirements for Shipments and Packaging.

Except as amended by the Department herein, the balance of Rule 4-2-173 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 173, and as amended.

4-2-173.5-1 Georgia intrastate agricultural operations.

(a) Subject to the conditions and limitations set forth in 49 CFR §173.5, and to the extent allowed by Law, the Department's Hazardous Materials Regulations specifically authorize the transportation of "agricultural products" (as defined in 49 CFR §171.8). (**NOTE:** Originally adopted as part of Public Service Commission Appendix "A" File MCA 1-3, Docket No. 16632-M, Effective June 1, 1998)

4-2-173.8-1 Georgia exceptions for non-specification packaging used in intrastate commerce.

(a) *Cargo tanks.* Subject to the conditions and limitations set forth in 49 CFR §173.8, the Department's Hazardous Materials Regulations specifically authorize the transportation of Class 3 (flammable liquid) petroleum products in intrastate commerce in non-specification cargo tanks less than 3,500 gallons capacity.

(b) *Non-bulk tanks.* Subject to the conditions and limitations set forth in 49 CFR §173.8, the Department's Hazardous Materials Regulations specifically authorize the transportation of Class 3 (flammable liquid) petroleum products in intrastate commerce in non-specification non-bulk tanks permanently mounted to motor vehicles.

(c) *Utility tanks.* Utility fuel tanks, which were previously authorized by the Department's Hazardous Materials Rule §173.119(a)(17), must comply with these regulations by the dates specified in 49 CFR §173.8(d). (**NOTE:** Originally adopted as part of Public Service Commission Appendix "A" File MCA 1-3, Docket No. 16632-M, Effective June 1, 1998.)

Part 177**Carriage by Highway****4-2-177 Carriage by Highway.**

Except as amended by the Department herein, the balance of Rule 4-2-177 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 177, and as amended.

4-2-177.802 Inspection.

Records, equipment, packagings and containers under the control of a motor carrier, insofar as they affect safety in transportation of hazardous materials by motor vehicle, must be made available for examination and inspection by a duly authorized representative of the Department.

Part 178**Specifications for Packaging****4-2-178 Specifications for Packaging.**

Except as amended by the Department herein, the balance of Rule 4-2-178 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 178, and as amended.

RESERVED (No Department Amendments)

Part 179**Specifications for Packaging****4-2-179 Specifications for Packaging.**

Except as amended by the Department herein, the balance of Rule 4-2-179 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, Title 49 CFR Part 179, and as amended.

RESERVED (No Department Amendments)

Part 180**Continuing Qualification and Maintenance of Packaging****4-2-180 Continuing Qualification and Maintenance of Packaging**

Except as amended by the Department herein, the balance of Rule 4-2-180 is contained in Federal Hazardous Materials Regulations issued by the Research and Special Programs Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 180, and as amended.

RESERVED (No Department Amendments)

**TRANSPORTATION RULES
OF
DEPARTMENT OF MOTOR VEHICLE SAFETY**

**SUBCHAPTER 4-3
GEORGIA FOREST PRODUCTS TRUCKING RULES**

Table Of Contents

Part 4-3-1	Purpose and Applicability	Part 4-3-392	Driving of Motor Vehicles
Part 4-3-382	Controlled Substance and Alcohol Use and Testing	Part 4-3-393	Parts and Accessories Necessary for Safe Operation
Part 4-3-383	Commercial Driver's	Part 4-3-394	Removed and Reserved
Part 4-3-390	License Standards	Part 4-3-395	Hours of Service of Drivers
Part 4-3-391	General Qualifications of Drivers	Part 4-3-396	Inspection, Repair and Maintenance

4-3-1-1 Background.

The Georgia Forest Products Trucking Rules are the minimum safety and operational rules promulgated by the Department for certain commercial motor vehicle operations engaged in the transportation of unmanufactured forest products. Prior to July 1, 1991, certain vehicles transporting these commodities were not subject to the jurisdiction of the Department.

4-3-1-2 Purpose and Applicability.

(a) Intrastate Transportation.

(1) Persons engaged solely in the intrastate transportation of logs, pulpwood, untreated posts or poles, pine straw, or stumps, whether operating as a for hire or private carrier, must comply with the rules in this subchapter (The Georgia Forest Products Trucking Rules).

(2) Persons engaged in the for hire transportation of wood chips, shavings, bark, saw dust, machined posts or poles, saw mill waste or other processed forest products must comply with the Department's motor carrier safety rules found in Subchapter 4-1, and are not subject to the Georgia Forest Products Trucking Rules. Furthermore, such persons must obtain a Property Permit from the Department as provided for in Chapter 6 of the Department's rules.

(3) Persons engaged in the intrastate transportation of unmanufactured forest products in private transportation must comply with the Georgia Forest Products Trucking Rules.

(b) Interstate Transportation. Persons engaged in the interstate transportation of all property, including but not limited to forest products (both processed and unmanufactured), whether operating as a for hire or private carrier, are subject to the Federal Motor Carrier Safety Regulations. The Department has adopted the Federal Motor Carrier Safety Regulations (see subchapter 4-1 of the Department's rules). Accordingly, such operations are not subject to the Georgia Forest Products Trucking Rules.

(c) All references to the U.S. Department of Transportation except when used to designate approval of mechanical specifications shall be interpreted to mean the Department.

(d) Any reference in the regulations to the “Administrator, Federal Motor Carrier Safety Administration” shall be interpreted to mean Commissioner, Department of Motor Vehicle Safety, except insofar as the term relates to—

(1) the issuance of exemptions from this chapter;

(2) the issuance of medical waivers; or

(3) preemption.

(e) All references to “interstate” commerce found in the Federal Motor Carrier Safety Regulations shall be interpreted to include “intrastate” commerce. It is the intent of the Department that the regulations shall apply to intrastate carriers and their operations.

Note: Copies of the U.S. Department of Transportation’s Motor Carrier Safety Regulations may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402.

4-3-1-3 Reports.

(a) All reports required by the safety regulations shall be sent to the Department of Motor Vehicle Safety, 2206 East View Parkway, Conyers, Georgia 30013, in addition to any copies required to be sent to any Federal Agency.

(b) The Department will accept forms prescribed by the U.S. Department of Transportation where required by the safety regulations.

4-3-1-4 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. §46-2-93 and §46-7-39.

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §46-2-91.

4-3-1-5 Construction.

(a) Unless amended herein, the rules in this chapter numbered beyond 4-3-300 shall generally be the same as the rules contained in the Federal Motor Carrier Safety Regulations. Where reference is made to a federal rule number (e.g., “390.5”) the compatible state rule shall be deemed to be “4-3-” followed by the Federal rule number (e.g., “49 CFR §390.5” becomes “4-3-390.5”).

(b) References on Department documents to a Federal rule by Federal Section number shall be construed as a valid cite of the Department’s rules and regulations without listing the entire Department section reference (e.g., “390.5” equals “4-3-390.5”).

Part 382**Controlled Substances and Alcohol Use and Testing**

(For Unmanufactured Forest Products)

(See Notes)

4-3-382 Controlled Substances and Alcohol Use and Testing.

Except as amended herein, the balance of Rule 4-3-382 is contained in Controlled Substance and Alcohol Use and Testing Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, Title 49 CFR Part 382, and as amended.

No Amendments

NOTE: The rules in Part 382 apply as a result of Congressional and Federal action, the State of Georgia lacks discretion in this area.

NOTE: Balance of Part 382, except as amended herein, is contained in Department's Motor Carrier Safety Regulations issued under Subchapter 4-1.

Part 383**Commercial Driver's License Standards**

(For Unmanufactured Forest Products)

(See Notes)

4-3-383 Motor Carrier Safety Regulations—Commercial Drivers License Standards.

Except as amended herein, the balance of Rule 4-3-383 is contained in Commercial Driver's License Regulations issued by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation, contained in Title 49 CFR Part 383, and as amended.

No Amendments

NOTE: The rules in Part 383 apply as a result of Congressional and Federal action, the State of Georgia lacks discretion in this area.

NOTE: Balance of Part 383, except as amended herein, is contained in Department's Motor Carrier Safety Regulations issued under Subchapter 4-1.

Part 390**Motor Carrier Safety Regulations—General**

(For unmanufactured Forest Products)

4-3-390 Motor Carrier Safety Regulations—General.

Except as amended herein, balance of Rule 4-3-390 is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-390.

4-3-390.3 General applicability.

a) The applicability of the rules in subchapter B of this chapter (the Forest Products Trucking Rules) are provided for in Rule 4-3-1.2 and includes all employers, employees, and commercial motor vehicles of persons described in said rule. EXCEPTION: Paragraph (c) of this section (relating to financial responsibility requirements of 49 CFR Part 387) does not apply to commercial motor vehicles which transport unmanufactured forest products solely in intrastate commerce. The carriers, drivers and vehicles subject to the Georgia Forest Products Trucking Rules are not required to comply with the following rules or regulations:

(1) §390.27 (relating to federal motor carrier office locations) EXCEPTION: §§390.31 & 390.35 apply only to the extent as they relate to controlled substances and alcohol testing, commercial drivers license, annual driving record inquiry, medical examination, and maintenance and inspection records.

(2) §391.11(b)(1)(relating to age), (b)(2) (relating to language ability), (b)(6) (relating to list of violations), (b)(8) (relating to road test), §391.21 (relating to application for employment), §391.23(a)(2) and §391.23(c) (relating to investigations and inquiries), §391.27 (relating to record of violations), §391.31, §391.33 (both relating to road test), §391.61 (relating to driver qualification files before 1/1/71), §391.63 (relating to multiple employer drivers), §391.65 (relating to drivers furnished by other motor carriers), and §391.67 (relating to certain types of motor vehicle drivers)

(3) §§392.62, and 392.63 (relating to towing of buses);

(4) Definitions for: *“Agricultural commodity trailer,” “Bus,” “Container chassis,” “Converter dolly,” “Curb weight,” “License plate lamp”* found in §393.5; §§393.44, 393.63 (both relating to buses), 393.88 (relating to television receivers), 393.89, 393.90, 393.91, 393.92, 393.93(a)(1)(2)(3) (all relating to buses), and 393.94 (relating to interior noise levels);

(5) All of Part 395 - Hours of Service of Drivers; and

(6) §§396.3(a)(2) (relating to bus windows), 396.11, 396.13, 396.15, (all relating to daily inspection reports).

4-3-390.5 Definitions.

Balance of § 390.5 definitions, except as amended herein, are contained in Department Rule 4-1-390.5. The following definitions are hereby inserted in the appropriate alphabetical order:

In this Subchapter:

Commercial motor vehicle means any self-propelled or towed vehicle used on public highways in intrastate commerce to transport passengers or property when: the vehicle has a gross vehicle weight rating of 44,000 pounds or more and is engaged solely in the intrastate transportation of unmanufactured forest products.

Unmanufactured Forest Products means unmachined logs, unmachined posts, pulpwood, wood chips, bark, saw-mill waste, stumps and pine-straw.

§390.21(a) - (e) and (j) - (k) Marking of commercial motor vehicles and motor carrier identification numbers.

(a) *General.* Except as otherwise provided, every self propelled commercial motor vehicle operated in interstate or intrastate commerce and subject to the Department Transportation Rules in Subchapters 4-1, 4-2, and 4-3, must be marked as specified in paragraphs (b), (c) and (d) of this section. Self propelled commercial motor vehicles operated by for hire motor carriers under authority issued by the Federal Motor Carrier Safety Administration (FMCSA) may meet the requirements of this section by complying with the marking requirements set forth in 49CFR Part 390 Subpart D.

(b) *Nature of marking.* The marking must display the following information:

(1) The name or trade name of the motor carrier operating the self propelled commercial motor vehicle.

~~(2) The city or community and State (name abbreviated), in which the carrier maintains its principal place of business or in which the commercial motor vehicle is customarily based.~~

~~(3)~~ (2) The motor carrier identification number, if issued by the FMCSA or the Department, preceded by the letters "USDOT" (Example: USDOT 000000).

~~(4)~~ (3) If the carrier is engaged solely in intrastate transportation, the motor carrier identification number preceded by the letters "USDOT" and followed by the letters "GA" (Example: USDOT 000000 GA). A solely intrastate motor carrier shall affix to all self-propelled motor vehicles the motor carrier identification number described herein within 30 days of obtaining said number.

~~(5)~~ (4) If the name of any person other than the operating carrier appears on the commercial motor vehicle operated under its own power, either alone or in combination, the name of the operating carrier shall be followed by the information required by paragraphs (b)(1), (2), and (3) of this section, and be preceded by the words "operated by".

~~(6)~~ (5) Other identifying information may be displayed on the commercial motor vehicle if it is not inconsistent with the information required by this paragraph.

(c) *Size, shape, location, and color of marking.* The marking must —

(1) Appear on both sides of the self-propelled commercial motor vehicle;

(2) Be in letters that contrast sharply in color with the background on which the letters are placed;

(3) Be readily legible, during daylight hours, from a distance of 50 feet while the commercial motor vehicle is stationary; and

(4) Be kept and maintained in a manner that retains the legibility required by paragraph (c)(3) of this section.

(d) *Construction and durability.* The marking may be painted on the commercial motor vehicle or may consist of a removable device, if that device meets the identification and legibility requirements of this section, and such marking shall be maintained in such a manner as to remain legible as required by this section.

(e) *Rented commercial motor vehicles.* A motor carrier operating a self propelled commercial motor vehicle under a rental agreement having a term not in excess of 30 calendar days may meet the requirements of this section in either one of two ways:

(1) The commercial motor vehicle is marked in accordance with the provisions of paragraphs (b) through (d) of this section; or

(2) The commercial motor vehicle is marked as set forth below:

(i) The name or trade name of the lessor is displayed in accordance with paragraphs (c) and (d) of this section;

(ii) The city or community and State (name abbreviated), in which the lessor maintains its principal place of business or in which the commercial motor vehicle is customarily based is displayed in accordance with paragraphs (c) and (d) of this section;

(iii) The lessor's identification number, issued by the FMCSA, preceded by the letters "USDOT" is displayed in accordance with paragraphs (c) and (d) of this section; and

(iv) The rental agreement entered into by the lessor and the renting motor carrier conspicuously contains the following information:

(A) The name and complete physical address of the principal place of business of the renting motor carrier;

(B) The identification number issued the renting motor carrier by the FMCSA, preceded by the letters "USDOT," if the motor carrier has been

issued such a number. In lieu of the identification number required in this paragraph, the following may be shown:

(1) Information which will indicate if the motor carrier is engaged in "interstate" or "intrastate" commerce; and

(2) Information which will indicate if the renting motor carrier is transporting hazardous materials in the rented commercial motor vehicle;

(C) The sentence: "This lessor cooperates with all federal, state, and local law enforcement officials nationwide to provide the identity of customers who operate this rental commercial motor vehicle;" and

(v) The rental agreement entered into by the lessor and the renting motor carrier is carried on the rental commercial motor vehicle during the full term of the rental agreement.

(3) All rented and leased vehicles shall carry a legible copy of the current lease or rental agreement for the entire duration of the rental or lease term.

(j) *Motor carrier identification report.*

(1) All motor carriers currently conducting operations solely in intrastate commerce shall file with the Department a Motor Carrier Identification Report (Form PSC MCS-150 GA), and obtain a motor carrier identification number. Exception: The provisions of this paragraph do not apply to a motor carrier that:

(i) Also engages in interstate or foreign commerce, and

(ii) Has filed an MCS-150 with the FMCSA, or

(iii) Has received written notification of a safety rating from FMCSA.

(2) All motor carriers beginning operation after the effective date of this rule shall file the Motor Carrier Identification Report (Form DMVS MCS-150 GA), within 90 days after beginning operations.

(3) The Motor Carrier Identification Report, Form DMVS MCS-150 GA, is available from the Department of Motor Vehicle Safety, P.O. Box 161227, Atlanta, Georgia 30321, or by calling (404) 675-6171. A copy may also be downloaded from the Department's website at <http://www.dmv.ga.gov>.

(4) The completed Motor Carrier Identification Report (Form DMVS MCS-150 GA) shall be filed in one of the following ways:

(i) By mail or in person at: Department of Motor Vehicle Safety, 1200 Tradeport Blvd., Hapeville, Georgia 30354, or

(ii) By facsimile: (404) 675-6197,

(5) A carrier which engages solely in intrastate commerce and subsequently begins interstate operations shall comply with the provisions of Title 49 CFR §385.21, and shall submit a copy of the FMCSA MCS-150 to the Department in one of the manners listed above.

(k) *Failure to report.* Failure by a motor carrier to file a Motor Carrier Identification Report, Form DMVS MCS-150 GA, pursuant to the provisions of this section, or furnishing misleading information or making false statements upon the ~~PSC~~ DMVS MCS-150 GA shall subject the offender to civil and/or criminal penalties as provided for by law.

NOTE: Balance of Part 390, except as amended herein, is contained in Department's Motor Carrier Safety Regulations issued under Subchapter 4-1.

Part 391**Qualifications Of Drivers**
(For Unmanufactured Forest Products)
(See Notes)**4-3-391 Motor Carrier Safety Regulations—Qualifications of Drivers.**

Except as amended herein, Balance of Rule 4-3-391, is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-391.

4-3-391.51 Driver Records.

(a) Every employer shall maintain driver records for each driver it employs. The records shall include at least the following information:

- (1) A current copy of the driver's commercial drivers license;
- (2) A copy of the response of each State agency to the driver record inquiry required by §391.23(a)(1), and §391.25;
- (3) The medical examiner's certificate of his or her physical qualification to drive a commercial motor vehicle or a legible photographic copy of the certificate; and
- (4) The letter granting a waiver of a physical disqualification, if a waiver has been issued under section 391.49.

Note: The following rules do not apply to vehicles engaged in the intrastate transportation of unmanufactured forest products (as defined in §390.5 of this rule):

§391.11(b)(1)(relating to age),
§391.11(b)(2) (relating to language ability),
§391.11(b)(6) (relating to list of violations),
§391.11(b)(8) (relating to road test),
§391.21 (relating to application for employment),
§391.23(a)(2) and §391.23(c) (relating to investigations and inquires),
§391.27 (relating to records of violations),
§391.31 and §391.33 (both relating to road test),
§391.61 (relating to driver qualification files before 1/1/71),
§391.63 (relating to multiple employer drivers),
§391.65 (relating to drivers furnished by other motor carriers), and
§391.67 (relating to certain types of motor vehicle drivers)

NOTE: Balance of Part 391, except as amended herein, is contained in Department's Motor Carrier Safety Regulations issued under Subchapter 4-1.

Part 392**Driving Of Motor Vehicles**
(For Unmanufactured Forest Products)
(See Note)**4-3-392 Motor Carrier Safety Regulations—Driving of Motor Vehicles.**

Except as amended herein, Balance of Rule 4-3-392, is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-392.

Note: The following rules do not apply to vehicles engaged in the intrastate transportation of unmanufactured forest products (as defined in §390.5 of this rule):

§392.62 (relating to buses); and
§392.63 (relating to towing of buses).

NOTE: Balance of Part 392, except as amended herein, is contained in Department's Motor Carrier Safety Regulations issued under Subchapter 4-1.

Part 393**Motor Carrier Safety Regulations - Parts And Accessories Necessary For Safe Operation**
(For Unmanufactured Forest Products)
(See Notes)**4-3-393 Motor Carrier Safety Regulations—Parts and Accessories Necessary for Safe Operation.**

Except as amended herein, Balance of Rule 4-3-393, is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-393.

Subpart B - Lighting Devices, Reflectors, and Electrical Equipment.**4-3-393.11 Lighting devices and reflectors.**

Every commercial motor vehicle shall be equipped with operable and serviceable lamps and reflectors of the types and in the quantities as specified in the following illustrations. The locations of the lamps and reflectors shall be as close as reasonably practical to the locations specified in the following illustrations:

Illustration 1: Truck-Tractors

Illustration 2: Straight Trucks or Truck-Tractors

Illustration 3: Truck-Tractors

Illustration 4: Straight Trucks

Illustration 5: Straight Trucks

Illustration 6: ~~Chip Trailers~~ Van, Chip, Straw, or Similar Trailers

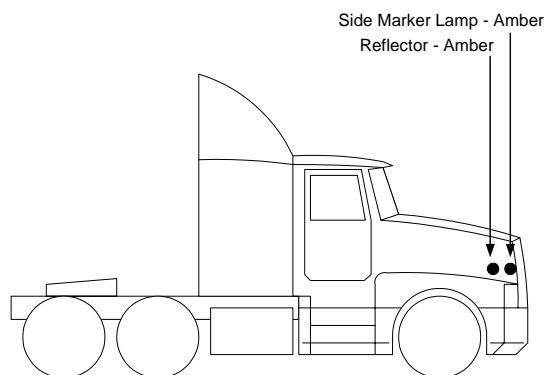
Illustration 7: ~~Chip Trailers~~ Van, Chip, Straw, or Similar Trailers

Illustration 8: ~~Chip Trailers~~ Van, Chip, Straw, or Similar Trailers

Illustration 9: Flatbeds, Log Trailers, and Loader Trailers

Illustration 10: Loaded Log Trailers (including extended loads)

Illustration 11: Loaded Log Trailers (Including extended loads)

**NOTE:**

1. The Reflectors may be combined with the Side Marker Lamp lens, provided the lenses are constructed of reflective material.

Illustration # 1**Side View: Truck Tractor**

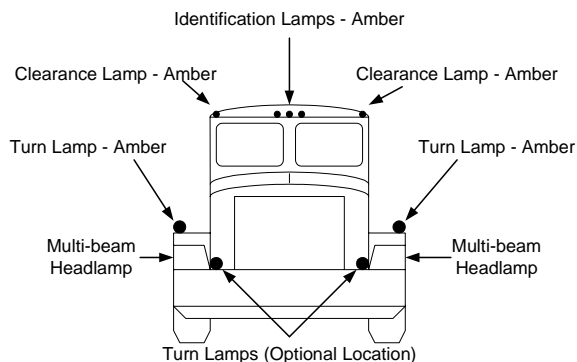


Illustration # 2

Front View: Truck or Truck-Tractor

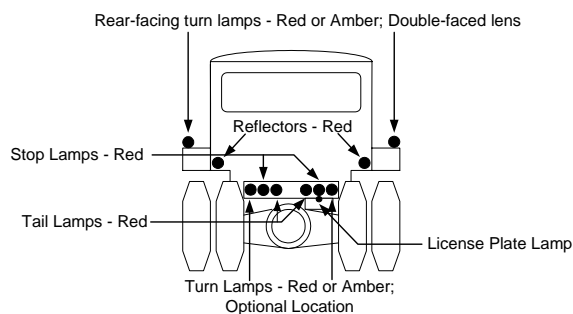


Illustration # 3

Rear View: Truck-Tractor

NOTES:

1. The use of double-faced Turn Lamps is authorized to meet the requirements for both front and rear, provided the Lamps are visible from the front and rear of the vehicle.

2. Lower mounted Stop, Tail, and Turn Lamps may be combined into one lamp housing using a multifilament type bulb; the Stop and Turn functions must be brighter than the Tail Lamp Function (See §393.22).

3. A License Plate Lamp is not required if the License Plate is mounted on the front of the vehicle.

4. Rear-facing Amber turn lamps must NOT be combined with Stop or Tail Lamps

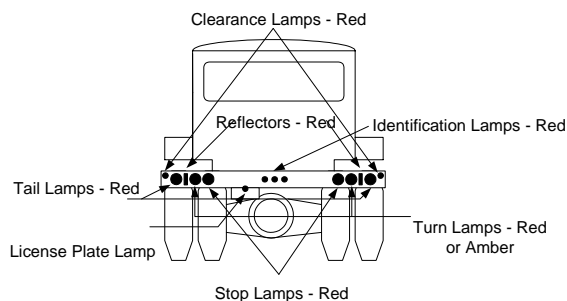


Illustration # 4

NOTES:

1. Stop, Tail, and Turn Lamps may be combined into one housing using a multi-filament type bulb; the Stop and Turn function must be brighter than the Tail lamp (See §393.22).

2. The reflectors may be combined with a Stop, Tail, Turn, or Clearance Lamp, provided the lens is constructed of a reflective material.

3. Clearance lamps or the Tail Lamps must be positioned so as to indicate the extreme width of the vehicle; Clearance Lamps are not required if the Tail Lamps also accomplish this purpose.

4. A Projecting Load Lamp shall be required if the load extends four feet (4') or more beyond the rear-most part of the body or frame.

5. The lighting configuration of this illustration applies to all straight pulpwood trucks, straight log trucks, self-propelled loaders, and straight forestry trucks with a Gross Vehicle Weight Rating of 44,000 pounds or more.

6. Rear-facing Amber turn lamps must NOT be combined with Stop or Tail Lamps

Rear View: Straight Truck

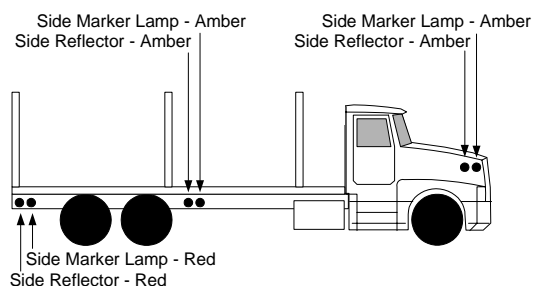


Illustration # 5

NOTES:

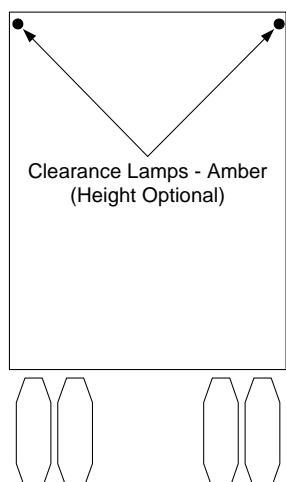
1. Side Marker Lamps and Side Reflectors at or near the center are required only if the overall vehicle length exceeds 30 feet.

2. Reflectors may be combined with Side Marker Lamp lens, provided the lenses are constructed of reflective material.

3. The lighting configuration of this illustration applies to all straight pulpwood trucks, straight log trucks, self-propelled loaders, and straight forestry service trucks with a Gross Vehicle Weight Rating (GVWR) of 44,000 pounds or more.

4. A Projecting Load Lamp shall be required if the load or loader body extends four feet or more beyond the rear-most part of the body or frame.

Side View: Straight Truck



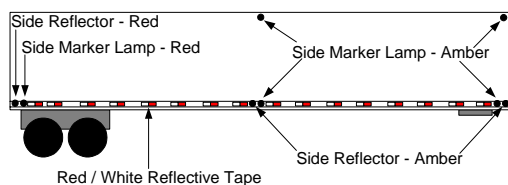
Clearance Lamps - Amber
(Height Optional)

NOTES:

1. Clearance Lamps may be positioned either at the top or bottom of the trailer body.
2. Front Clearance Lamps may be combined with Side Marker Lamps if lamps are mounted on angular corners and are visible from both the front and side of the trailer.

Illustration # 6

Front View: Van, Chip, Straw, or Similar Trailer



Side Reflector - Red

Side Marker Lamp - Red

Side Marker Lamp - Amber

Red / White Reflective Tape

Side Reflector - Amber

NOTES:

1. Front and Center Side Marker Lamps may be placed at either the top or bottom of the trailer body.
2. Front Side Marker Lamps may be combined with Clearance Lamps if lamps are mounted on angular corners and are visible from both the front and side of the trailer.
3. Reflectors may be combined with lower mounted Side Marker Lamp lenses, provided the lenses are constructed of a reflective material.
4. Reflective Tape must be mounted between 15" and 60" above ground. The total length of Reflective Tape must be not less than 1/2 the length of the trailer (i.e. 40-foot trailer = 20 feet of tape; 48 foot trailer = 24 feet of tape; 53 foot trailer = 26.5 feet of tape)

Illustration # 7

Side View: Van, Chip, Straw, or Similar Trailer

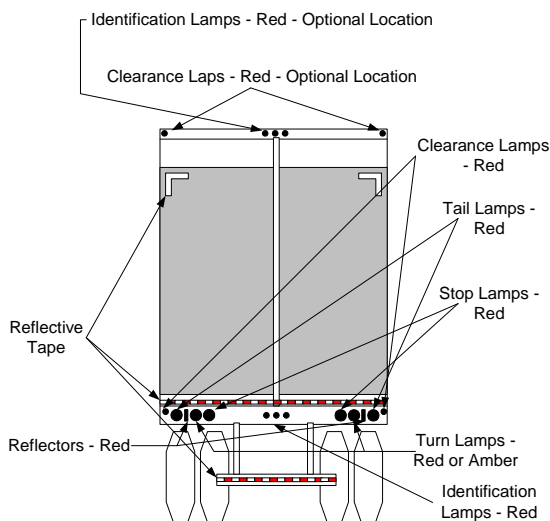


Illustration # 8

NOTES:

1. Stop, Tail, and Turn Lamps may be combined into one housing using a multifilament type bulb; the Stop and Turn functions must be brighter than the Tail lamp (See §393.22).

2. The Red Reflectors may be combined with a Stop, Tail, Turn, or Clearance Lamp, provided the lenses are constructed of a reflective material.

3. Identification Lamps may be positioned at either the top or bottom of the trailer body.

4. Clearance lamps may be positioned at either the top or bottom of the trailer body. Clearance Lamps are not required if the Tail Lamps are positioned to indicate the extreme width of the body.

5. Reflective tape shall consist of two white "L" shaped pieces at or near the top of the rear, and two red and white alternating strips, 1 across the full width of the trailer near the bottom of the doors or top of the frame, and a second piece across the full width of the bumper.

6. Rear-facing Amber turn lamps must NOT be combined with Stop or Tail Lamps

Rear View: Van, Chip, Straw, or Similar Trailer

NOTES:

1. Reflectors may be combined with side marker lamp lenses, provided the lenses are constructed of reflective material.

2. The sides of flat-bed, low -boy, and loader-type trailers shall be equipped with the same type, number, and location of lighting and reflectors as indicated in this illustration. Any load which extends beyond the rear-most part of the body or frame by four feet (4') or more shall also be required to display a Projecting Load Lamp as described in §393.11PL.

3. Center side reflectors must be not less than 4 inches in diameter.

4. Reflective Tape must be mounted between 15" and 60" above ground. The total length of Reflective Tape must be not less than 1/2 the length of the trailer (i.e. 40-foot trailer = 20 feet of tape; 48 foot trailer = 24 feet of tape; 53 foot trailer = 26.5 feet of tape)

Side View: Log Trailer, Flatbed, Loader, etc.

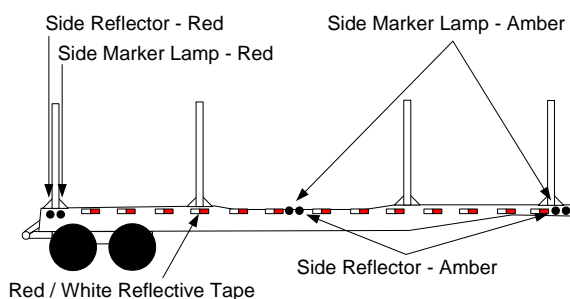


Illustration # 9

NOTES:

1. Reflectors may be combined with Side Marker Lamp lenses, provided lenses are constructed of reflective materials.

2. Projecting Load Lamp MUST be visible from BOTH the SIDES and REAR of the trailer. Projecting load lamps must be used when the load extends four feet (4') or more beyond the body or frame. At any time, day or night, projecting loads must use:

- a. A strobe lamp, amber in color, visible to both sides and the rear; and may use:
- b. A steady burning red lamp, visible to both sides and the rear.

3. Center side reflectors must be not less than 4 inches in diameter.

4. Reflective Tape must be mounted between 15" and 60" above ground. The total length of Reflective Tape must be not less than 1/2 the length of the trailer
(i.e. 40-foot trailer = 20 feet of tape;
48 foot trailer = 24 feet of tape;
53 foot trailer = 26.5 feet of tape)

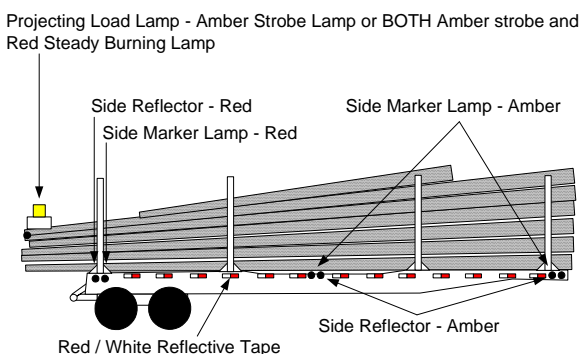
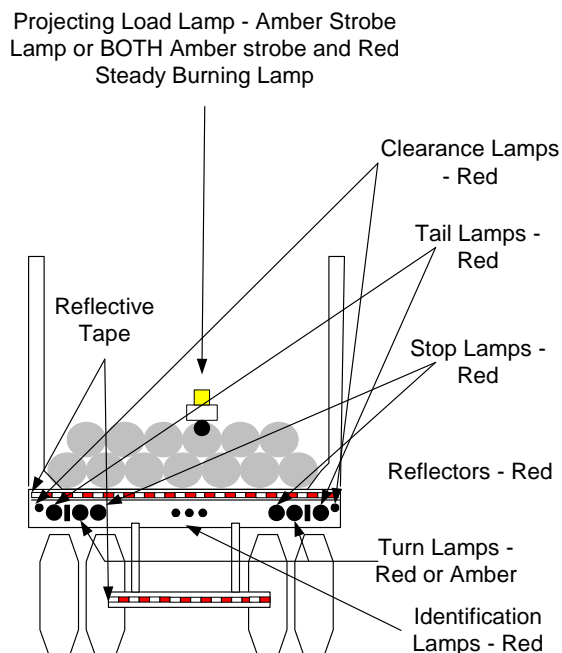


Illustration # 10



NOTES:

1. Stop, Tail, and Turn Lamps may be combined into one housing using a multifilament type bulb; the Stop and Turn functions must be brighter than the Tail lamp (See §393.22).

2. The Red Reflectors may be combined with a Stop, Tail, Turn, or Clearance Lamp, provided the lenses are constructed of a reflective material.

3. Clearance Lamps or Tail Lamps must be mounted so as to indicate the extreme width of the trailer.

4. The rear of a Pulpwood (short-wood) trailer shall be equipped with the same type and location of lighting and reflectors as a long-wood type trailer, except that a Projecting Load Lamp is not required under ordinary circumstances.

5. The rear of flat-bed, low -boy, and loader trailers shall be equipped with the same type and number of lights and reflectors as indicated in this illustration.

6. Projecting Load Lamp MUST be visible from BOTH the SIDES and REAR of the trailer. Projecting load lamps must be used when the load extends four feet (4') or more beyond the body or frame. At any time, day or night, projecting loads must use:

- a. A strobe lamp, amber in color, visible to both sides and the rear; and may use:
- b. A steady burning red lamp, visible to both sides and the rear.

7. Reflective tape shall consist of two red and white alternating strips, one across the full width of the trailer near the top of the frame, and a second piece across the full width of the bumper.

8. Rear-facing Amber turn lamps must NOT be combined with Stop or Tail Lamps

Illustration # 11

4-3-393.11PL Strobe lamp on the rear of projecting loads.

(a) Motor vehicles transporting loads which extend more than 4 feet beyond the body or bed of such vehicle, shall have securely affixed as close as practical to the end of such projections one amber strobe type lamp equipped with a multi-directional type lens so mounted as to be visible from the rear and sides of the projecting load. If the mounting of one strobe lamp cannot be accomplished so as to be visible from both sides and the rear of the projecting load, multiple strobe lamps shall be utilized so as to meet the visibility requirements.

(b) The strobe lamp shall flash a rate of at least 60 flashes per minute and shall be plainly visible from a distance of at least 500 feet to the sides and rear of the projecting load any time of the day or night. The lamp shall be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway.

(c) The use of red marker lamps on projecting loads as enumerated in O.C.G.A. §40-8-27, being transported on vehicles under the jurisdiction of the Department, are not required if a strobe lamp is utilized as required by this rule.

(d) The projecting load shall also be marked with flag(s) as required by §393.87 of these rules.

(e) In addition to the requirements of this Section and §393.11 above, motor vehicles transporting projecting loads in interstate commerce are required to comply with the Federal Motor Carrier Safety Regulations.

Subpart G - Miscellaneous Parts and Accessories.**4-3-393.87 Flags on projecting loads.**

(a) Any motor vehicle having a load or vehicle component which extends more than 4 inches beyond the sides or more than 4 feet beyond the rear shall have the extremities of the load marked with a red flag, not less than 12 inches square, at each point where a lamp is required by Department Transportation Rule 4-1-393.11.

(b) The flag as required by Department Transportation Rule §393.11PL shall be of a bright red or orange color not less than 12 inches square which is clearly visible and shall be displayed in such a manner that the entire area of the flag is visible from the rear of the vehicle. Such a display shall be accomplished by a rigid type flag, or a rigid type mounting frame for a flexible flag, or by other means at least as effective.

(c) Flags may be made either partially or completely of a retro reflective material.

Subpart H-Emergency Equipment**4-3-393.95 Emergency equipment**

(g) *Restrictions on the use of flame-producing devices.* No vehicle transporting unmanufactured forest products may be equipped with or use any flame-producing stopped vehicle warning devices, including, but not limited to, liquid-burning flares, fusees, oil lanterns.

Subpart I - Protection against shifting and falling cargo.**4-3-393.100 General rules for protection against shifting or falling cargo.**

Same as 4-1-393.100

~~(a) Application and scope of the rules in this section. This section applies to trucks, truck tractors, semi-trailers, full trailers, and pole trailers (pulpwood trailers). Each of those motor vehicles must, when transporting cargo, be loaded and equipped to prevent the shifting or falling of the cargo in the manner prescribed by the rules in paragraph (b) of this section. In addition, each cargo-carrying motor vehicle must conform to the application rules in 393.102, 393.104, and 393.106. EXCEPTION: Vehicles transporting unmanufactured forest products must conform to §§393.102, 393.106 and paragraph (g) of this section.~~

4-3-393.100(e) What occupant protection is required for drivers?

(e) Occupant protection for drivers transporting log, poles, posts, beams, or articles of cargo of similar shape. In addition to any other requirements of this subpart, vehicles operated in this state while transporting loads of logs, poles, posts, beams, or articles of cargo of similar shape shall be equipped with an occupant protection device (commonly known as a headache rack, header board, header rack, or front end structure) firmly mounted between the cargo and the driver. Such device shall be intended to protect the driver from the forward shifting of such loads in the event of rapid deceleration of the vehicle. The device may be mounted to the frame of the power unit or trailer, shall be installed and maintained in a workmanlike manner, and shall be free of cracks or breaks. The size, strength, and penetration resistance of such occupant protection device shall be the same as described in §393.114. An equivalent device (such as a trailer drop deck or similar device) may substitute for an occupant protection device provided the level of protect is equal to or greater than that provided by this section.

~~4-3-393.100(g) Special rule for unmanufactured forest products vehicles.~~

~~(1) Basic protection components. Each cargo-carrying motor vehicle must be equipped with devices providing protection against shifting or falling cargo that meet the following requirements:~~

~~(a) Each motor vehicle transporting logs, tree-length pulpwood and short wood (pulpwood) equipped with permanent, fixed, or trip standards shall be secured with binder chains of at least one-quarter inch high test (Grade 4) or cables, straps, or other chains of at least equivalent strength.~~

~~(i) Option A. Each load of short pulpwood loaded perpendicular to the axis of the truck or trailer body shall be required to be secured by only one binder chain or cable, strap, or other chain meeting the specifications as provided in this paragraph.~~

~~(ii) Option B. Each tree-length load of pulpwood or logs shall be required to be secured with no less than two binder chains, cables, straps or other chains which shall be located at the center and end of the load. Such binder chains, cables, straps or other chains shall meet the specifications provided in this paragraph.~~

~~(iii) Option C. Each load of pulpwood or cut logs loaded on multiple racks, shall be required to be secured by only one binder chain meeting the specifications of this paragraph.~~

~~(iv) Option D. Each load of sawdust, wood chips, bark, or pine straw carried in open top trailers must be secured on the top with a tarpaulin or similar cover, which must prevent the loss of cargo in normal transportation. Tarpaulins alone may not be used for side securement, but may be used to supplement other side securement.~~

~~(b) All such chains, cables, or straps shall be equipped with load binder and hardware (tightening device). Said binders or tightening device shall meet the minimum strength requirements specified in paragraph (a), above.~~

~~(c) All pallets or racks used to carry pulpwood or logs shall be bound to the frame or body of the truck or trailer.~~

~~(d) All standards must be of metal construction of a strength which will secure the load if the load shifts.~~

~~(i) Each standard must be adequately anchored to the bolster in such a manner that the load will be secured if the load shifts.~~

~~(ii) Standard extensions must be of metal construction and firmly secured to the standard.~~

~~(iii) Each trip standard must be secured with a locking pin and cable of sufficient strength to hold the standard in an upright position if the load shifts.~~

~~(iv) Loads shall not extend beyond the height of the highest standard.~~

~~(v) Standards and standard extensions must not extend beyond a total trailer height of thirteen feet, six inches (13' 6").~~

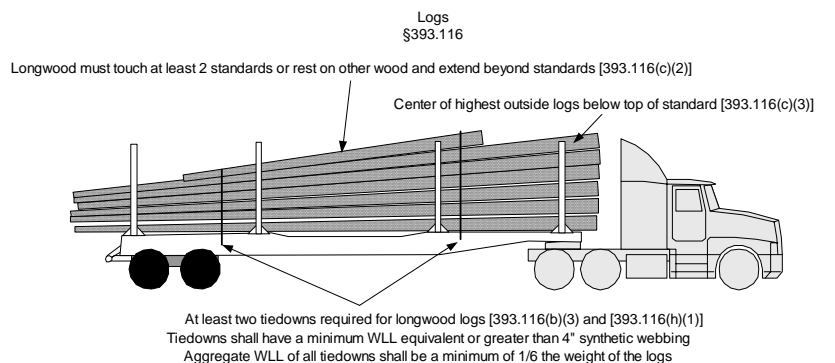
~~(e) Chains, binders, cables, straps, and other securement devices must be in good condition. Chains may not be bolted together, and any repairs to chains must be of the clevis type and at least the strength of the original chain.~~

4-3-393.116(h) Strength and positioning of tiedowns.

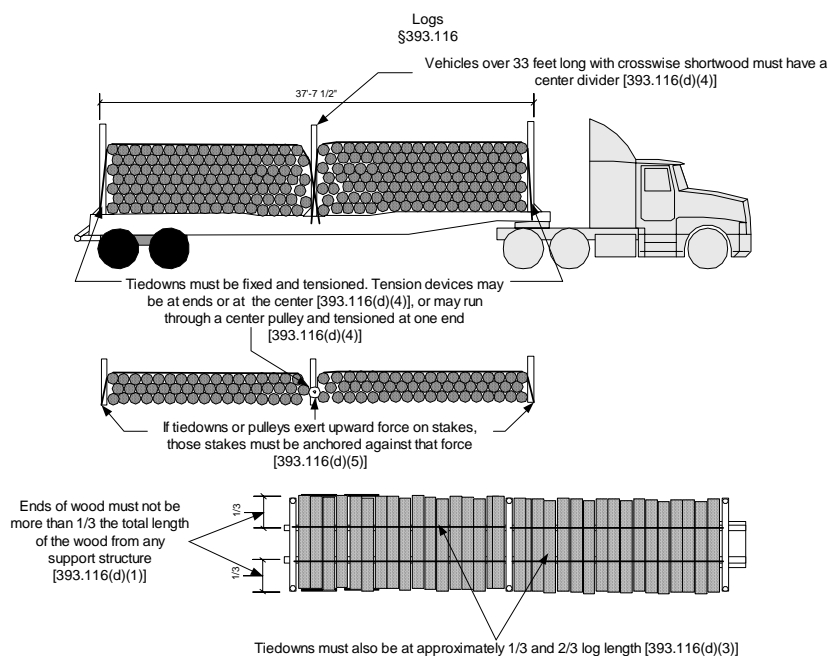
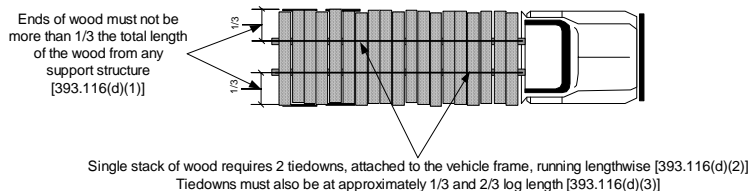
(h) Strength and positioning of tiedowns.

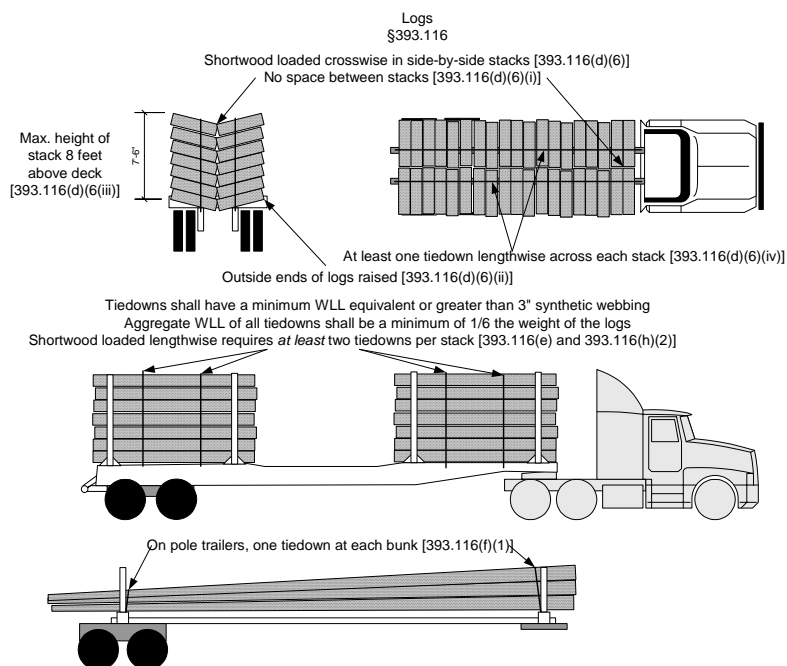
- (3) Longwood (commonly known as tree-length wood) loaded lengthwise (as described in paragraphs (b)(3) and (f) of this section) shall be secured to the vehicle with two or more tiedowns, spread out and positioned along the length of the load to provide effective securement. The tiedowns must encircle the top of the load and must be attached to the frame or bunk of the vehicle at each end providing downward pull on the load. When two tiedowns are used, each tiedown and tensioning device shall be equal or greater in working load limit (WLL) strength to that of 4" synthetic webbing as described in §393.108 and the aggregate WLL strength of all the tiedown assemblies shall be equal to at least one-sixth the weight of the load of logs.

- (4) Double-bunked wood loaded lengthwise (shortwood or longwood) shall be secured to the vehicle with two or more tiedowns per section. The tiedowns shall be spread out and placed near the ends of the section or near the standards to provide effective securement. The tiedowns must encircle the top of the load and must be attached to the frame or bunk of the vehicle at each end providing downward pull on the load. When two tiedowns are used, each tiedown and tensioning device shall be equal or greater in WLL strength to that of 3" synthetic webbing as described in §393.108 and the aggregate WLL strength of the tiedown assemblies shall be equal to at least one-sixth the weight of the section of logs.



IMPORTANT NOTE: Additional tiedowns may be required for shorter wood or low friction situations [393.116(c)(4)]





4-3-393.117 What are the requirements for securing sawdust, wood chips, bark, or pine straw?

Each load of sawdust, wood chips, bark, or pine straw carried in open top trailers must be secured on the top with a tarpaulin or similar cover, which must prevent the loss of cargo in normal transportation. Tarpaulins alone may not be used for side securement, but may be used to supplement other side securement. Furthermore, such loads must meet the applicable general cargo securement rules of §§ 393.100 through 393.114.

Note: The following rules do not apply to vehicles engaged solely in the intrastate transportation of unmanufactured forest products (as defined in 4-3-§390.5 of this subchapter).

Definitions for: “Agricultural commodity trailer,” “Bus,” “Container chassis,” “Converter Dolly,” “Curb weight,” and “License plate lamp” found in §393.5;

§393.44, 393.63 (both relating to buses),

§393.88 (relating to television receivers),

§393.89, 393.90, 393.91, 393.92, 393.93(a)(1)(2)(3) (all relating to buses), and

§393.94 (relating to interior noise levels).

NOTE: Balance of Part 393, except as amended herein, is contained in Department’s Motor Carrier Safety Regulations issued under Subchapter 4-1.

Part 395**Hours Of Service**

(For Unmanufactured Forest Products)
(See Note)

4-3-395 Motor Carrier Safety Regulations—Hours of Service.

Except as amended herein, Balance of Rule 4-3-395, is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-395.

4-3-395.1 Applicability.

None of the rules in Part 395 apply to vehicles and drivers engaged solely in the intrastate transportation of unmanufactured forest products.

NOTE: None of Part 395 applies to vehicles engaged solely in the intrastate transportation of unmanufactured forest products.

Part 396**Inspection, Repair, And Maintenance**
(For Unmanufactured Forest Products)
(See Notes)**4-3-396 Motor Carrier Safety Regulations—Inspection, Repair, and Maintenance.**

Except as amended herein, Balance of Rule 4-3-396, is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-396.

Note: The following rules do not apply to vehicles engaged solely in the intrastate transportation of unmanufactured forest products (as defined in 4-3-§390.5 of this subchapter):

§396.3(a)(2) (relating to bus windows), and
§396.11, §396.13, §396.15, (all relating to daily inspection reports)

Note: Balance of Part 396, except as amended herein, is contained in Department's Motor Carrier Safety Regulations issued under Subchapter 4-1.

Note: For regulations on commercial motor vehicles transporting other than manufactured forest products, see Subchapter 4-1 of the Department's Transportation Rules.

**TRANSPORTATION RULES
OF
DEPARTMENT OF MOTOR VEHICLE SAFETY**

**SUBCHAPTER 4-4
LIMOUSINE SAFETY RULES**

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			Inspection, Repair and
			Maintenance

4-4-1-1 Applicability.

(a) The limousine safety rules and regulations of the Department are the minimum safety requirements for all limousines operating for hire interstate and intrastate commerce in Georgia, and to the extent that they do not conflict with Georgia law; and where applicable, are the same as the Motor Carrier Safety Regulations issued by the Department as provided in Chapter 4-1 of the Department's Transportation Rules, except as amended herein.

(b) All references to the U.S. Department of Transportation except when used to designate approval of mechanical specifications shall be interpreted to mean the Georgia Public Service Commission.

(c) Any reference in the regulations to the "Operations Manager" and/or "Associate Administrator, Federal Motor Carrier Safety Administration," shall be interpreted to mean Commissioner, Department of Motor Vehicle Safety, except insofar as the term relates to preemption.

(d) All references to "interstate" commerce shall be interpreted to include "intrastate" commerce. It is the intent of the Department that the regulations shall apply to intrastate carriers and operations.

(e) Where the Federal regulations as adopted by the Department refer to "carriers" or "motor carriers," the term shall be taken to mean all for hire limousine carriers subject to the Department's jurisdiction pursuant to O.C.G.A §46-1-1.

Note: Copies of the U.S. Department of Transportation's Motor Carrier Safety Regulations may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402.

4-4-1-2 Reports.

(a) All reports required by the safety regulations shall be sent to the Department of Motor Vehicle Safety, 2206 East View Parkway, Conyers, Georgia 30013, in addition to any copies required to be sent to any Federal Agency.

(b) The Department will accept forms prescribed by the U.S. Department of Transportation where required by the safety regulations.

4-4-1-3 Penalties.

(a) *Criminal penalty.* In addition to any other penalty imposed by law, violations of any provision of this chapter shall constitute a misdemeanor, pursuant to O.C.G.A. §16-1-10, §46-2-93 and §46-7-39.

(b) *Civil penalty.* In addition to any other penalty imposed by law, violations of this chapter shall be subject to the provisions of O.C.G.A. §46-2-91.

4-4-1-4 Construction.

(a) Unless amended herein, the rules in this chapter numbered beyond 4-4-300 shall generally be the same as the rules contained in the Federal Motor Carrier Safety Regulations. Where reference is made to a federal rule number (e.g., “390.5”) the compatible state rule shall be deemed to be “4-4-” followed by the Federal rule number (e.g., “49 CFR §390.5” becomes “4-4-390.5”).

(b) References on Department documents to a Federal rule by Federal Section number shall be construed as a valid cite of the Department’s rules and regulations without listing the entire Department section reference (e.g., “390.21” equals “4-4-390.21”).

Part 390**General****4-4-390 Limousine Safety Regulations—General.**

Except as amended by the Department herein, balance of Rule 4-3-390 is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-390, and as amended.

4-4-390.3 (a) General Applicability.

(a) The rules in Subchapter B of this chapter are applicable to all employers, employees, and limousines, which transport property or passengers in interstate or intrastate commerce.

4-4-390.5 Definitions.

Balance of § 390.5 definitions, except as amended herein, are contained in Department Rule 4-1-390.5. The following definitions are hereby inserted in the appropriate alphabetical order:

Chauffeur means any person with a Georgia state driver's license who meets the qualifications as prescribed in Department's Transportation Rule 5-4.5 and who is authorized by the Department to drive a luxury limousine under this chapter.

Lightweight commercial motor vehicle - (See 4-1-390.5)

Limousine carrier means any person operating a service regularly rendered to the public by furnishing transportation as a motor common carrier for hire, not over fixed routes, by means of limousines, or extended limousines, on the basis of telephone contract or written contract.

Limousine or *Luxury limousine* means any motor vehicle that meets the manufacturer's specifications for a luxury limousine with a designated seating capacity for no more than ten passengers and with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and a limousine.

4-4-390.21 Identification of Luxury Limousines.

(a) Prior to operating luxury limousines over the highways of Georgia for which registration and licensing of such equipment has been made, every motor carrier holding a certificate to transport passengers in luxury limousines shall affix to the front bumper a standard size license plate with the following information:

- (1) Limousine company name;
- (2) City and state of principal domicile;
- (3) Company telephone number; and,
- (4) Vehicle classification - IE-1.

(b) Luxury limousines which also operate in interstate commerce must comply with the identification requirements of any federal agency with jurisdiction.

Part 391

Qualification of Drivers of Limousines

4-4-391 Limousine Safety Regulations—Qualifications of Drivers.

Except as amended by the Department herein, Balance of Rule 4-4-391, is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-391, and as amended.

4-4-391.11 Qualification of Limousine Drivers.

(a) A person shall not drive a limousine unless he/she is qualified to drive a motor vehicle. A limousine carrier shall not require or permit a person to drive a limousine unless that person is qualified to drive a limousine.

(b) A person is qualified to drive a commercial motor vehicle if he/she—

- (1) Is at least 18 years old;
- (2) Can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records;
- (3) Can, by reason of experience, training, or both, safely operate the type of motor vehicle he/she drives;
- (4) Has a currently valid motor vehicle operator's license issued by Georgia, and no other currently valid license from another jurisdiction;
- (5) Has a currently valid chauffeur's permit issued by the Department;
- (6) Is not disqualified to drive a motor vehicle under Georgia law or the laws of another state;
- (7) Is not disqualified from holding a chauffeur's permit under O.C.G.A. §46-7-85.10; and,
- (8) Successfully passes the background investigation required to determine disqualification under O.C.G.A. §46-7-85.10.

Part 392

Driving of Limousines

4-4-392 Limousine Safety Regulations—Driving of Motor Vehicles.

Except as amended by the Department herein, Balance of Rule 4-4-392 is contained in the Motor Carrier Safety Regulations of the Department, Rule 4-1-392, and as amended.

4-4-392.4 Drugs and other substances.

(a) No driver shall be on duty and possess, be under the influence of, or use, any of the following drugs or other substances:

- (1) Any 21 CFR 1308.11 Schedule I substance;
- (2) An amphetamine or any formulation thereof (including, but not limited, to "pep pills," and "bennies");
- (3) A narcotic drug or any derivative thereof; or
- (4) Any other substance, to a degree which renders the driver incapable of safely operating a motor vehicle.

(b) No motor carrier shall require or permit a driver to violate paragraph (a) of this section.

(c) Paragraphs (a) (2), (3), and (4) do not apply to the possession or use of a substance administered to a driver by or under the instructions of a licensed medical practitioner, as defined in 49 CFR §382.107 of this subchapter, who has advised the driver that the substance will not affect the driver's ability to safely operate a motor vehicle.

(d) As used in this section, "possession" does not include possession of a substance which is manifested and transported as part of a shipment.

4-4-392.5 Alcohol prohibition.

(a) No driver shall—

(1) Use alcohol, as defined in 49 CFR §382.107 of this subchapter, or be under the influence of alcohol, within 4 hours before going on duty or operating, or having physical control of, a motor vehicle; or

(2) Use alcohol, be under the influence of alcohol, or have any measured alcohol concentration or detected presence of alcohol, while on duty, or operating, or in physical control of a motor vehicle; or

(3) Be on duty or operate a commercial motor vehicle while the driver possesses wine of not less than one-half of one percentum of alcohol by volume, beer as defined in 26 U.S.C. 5052(a), of the Internal Revenue Code of 1954, and distilled spirits as defined in § 5002(a)(8), of such Code. However, this does not apply to possession of wine, beer, or distilled spirits which are possessed or used by limousine passengers.

(b) No motor carrier shall require or permit a driver to—

(1) Violate any provision of paragraph (a) of this section; or

(2) Be on duty or operate a motor vehicle if, by the driver's general appearance or conduct or by other substantiating evidence, the driver appears to have used alcohol within the preceding four hours.

(c) Any driver who is found to be in violation of the provisions of paragraph (a) or (b) of this section shall be placed out of service immediately for a period of 24 hours.

(1) The 24-hour out of service period will commence upon issuance of an out of service order.

(2) No driver shall violate the terms of an out of service order issued under this section.

(d) Any driver who is issued an out of service order under this section shall report such issuance to his/her employer within 24 hours.

Part 393**Parts and Accessories Necessary for Safe Operation of Limousines****4-4-393 Limousine Safety Regulations—Parts and Accessories Necessary for Safe Operation.**

Except as amended by the Department herein, Balance of Rule 4-4-393 is contained in the Motor Carrier Safety Regulations of the Department in Rule 4-1-393, and as amended.

4-4-393.1 Scope of the rules in this part.

Every employer and employee shall comply and be conversant with the requirements and specifications of this part. No employer shall operate a vehicle or cause it to be operated, unless it is equipped in accordance with the requirements and specifications of this part.

4-4-393.2 General requirements.

Every motor vehicle operated by a limousine carrier shall be equipped with every component required by the Federal Motor Vehicle Safety Standard (FMVSS) (49 CFR Part 571) in effect on the date of manufacture of the vehicle. All such components will be maintained in proper operating condition.

4-4-393.3 Additional equipment and accessories.

Nothing contained in this part shall be construed to prohibit the use of additional equipment and accessories, not inconsistent with or prohibited by this part, provided such equipment and accessories do not decrease the safety of operation of the vehicle on which they are used.

4-4-393.9 Lighting devices.

(a) All lamps required by this part shall be capable of being operated at all times.

(b) Every limousine shall be equipped at least with the following lamps, and such lamps shall also comply with Department Transportation Rule 4-4-393.2.

(1) *Headlamps*: At least two, mounted on front at the same height, an equal number at each side of the vertical centerline as far apart as practicable.

(2) *Turn signals*:

(i) *Front*: Two, one on each side of the vertical centerline at the same height and as far apart as practicable.

(ii) *Rear*: Two, one on each side of the vertical centerline at the same height and as far apart as practicable.

(3) *Stop lamps*: At least two, one lamp each side of the vertical centerline at the same height and as far apart as practicable.

(4) *Tail* lamps: At least two, one lamp each side of the vertical centerline at the same height and as far apart as practicable.

4-4-393.33 Wiring.

Electrical wiring shall be systematically arranged and installed in a workmanlike manner. The presence of bare, loose, dangling, chafing, or poorly connected wire is prohibited.

4-4-393.48 Brakes.

All brakes with which a vehicle is equipped must at all times be capable of operating.

4-4-393.51 Warning devices.

A vehicle must be equipped with a device that provides a warning to the driver when a failure occurs in the vehicle's brake system.

4-4-393.60 Glazing.

(a) Every vehicle shall be equipped with a windshield which shall be free of discoloration or other damage except coloring or tinting applied in manufacture, for reduction of glare. Such coloring or tinting shall meet the requirements of §40-8-73.1.

(b) No vehicle may be operated with any label, sticker, decalcomania, or other vision-reducing matter covering any portion of its windshield or windows at either side of the driver's compartment, except that stickers required by law may be affixed at the bottom of the windshield, provided no part of the sticker may extend upward more than 4 ½ inches from the bottom of the windshield.

4-4-393.65 Fuel systems.

Each fuel system, tank and lines, must be securely attached to the vehicle and be free of any leaks. Each fuel tank or filler pipe must be equipped with a securely affixed cap.

4-4-393.75 Tires.

(a) No vehicle shall be operated on any tire that:

- (1) Has body ply or belt material exposed through the tread or sidewall;
- (2) Has any tread or sidewall separation;
- (3) Is flat or has an audible leak;
- (4) Has a cut to the extent that the ply or belt material is exposed.

(b) Any tire on the vehicle shall have a tread groove pattern depth of at least 4/32 of an inch when measured at any point on a major tread groove. The measurements shall not be made where tie bars, humps, or fillets are located.

(c) No vehicle shall be operated:

(1) With tires that carry a greater weight than specified and marked on the sidewall of the tire.

(2) On a tire which has a cold inflation pressure less than that specified for the load being carried.

4-4-393.79 Defrosting device.

Every vehicle when operating under conditions such that ice, snow, or frost would be likely to collect on the outside of the windshield or condensation on the inside of the windshield shall be equipped with a device or other means, not manually operated, for preventing or removing such obstructions to the driver's view.

4-4-393.80 Rear-vision mirrors.

Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the vehicle, and so located as to reflect to the driver a view of the highway to the rear, and along both sides of the vehicle.

4-4-393.81 Horn.

Every vehicle shall be equipped with a horn and actuating elements which shall be in such condition as to give an adequate and reliable warning signal.

4-4-393.82 Speedometer.

Every vehicle shall be equipped with a speedometer indicating vehicle speed in miles/kilometers per hour, which shall be operative with reasonable accuracy.

4-4-393.83 Exhaust system.

(a) Every vehicle capable of expelling harmful combustion fumes shall have a system to direct the discharge of such fumes. No part shall be located where its location would likely result in burning, charring, or damaging the electrical wiring, the fuel system, or any combustible part of the vehicle.

(b) No exhaust system shall discharge to the atmosphere at a location immediately below the fuel tank or the fuel tank filler pipe.

(c) The exhaust system of every vehicle shall discharge at a location to the rear of the passenger compartment.

(d) No part of the exhaust system shall be temporarily repaired with wrap or patches.

(e) The exhaust system must be securely fastened to the vehicle.

4-4-393.84 Floors.

The flooring in all vehicles shall be substantially constructed, free of unnecessary holes and openings, and shall be maintained so as to minimize the entrance of fumes, exhaust gases, or fire.

4-4-393.88 Television receivers.

Any vehicle equipped with a television viewer, screen or other means of producing a picture for viewing shall have the viewer or screen located in the vehicle at a point to the rear of the back of the driver's seat and shall be so located as not to be visible to the driver, while he/she is driving the vehicle, and the controls shall be so located that the driver cannot operate them without leaving the driver's seat.

4-4-393.93 Seat belts.

Every vehicle shall be equipped with a seat safety belt, approved under Federal Motor Vehicle Safety Standard (FMVSS) No. 208, 49 CFR §571.208, for each seating position.

4-4-393.95 Emergency equipment.

Every vehicle must be equipped as follows:

(a) *Fire extinguisher.* Every vehicle must be equipped with a fire extinguisher that is properly filled and located so that it is readily accessible for use. The fire extinguisher must be securely mounted and must be designed, constructed, and maintained to permit visual determination of whether it is fully charged

(b) *Warning devices for stopped vehicles.* Every vehicle must be equipped with three emergency reflective triangles that conform to the requirements of the Federal Motor Vehicle Safety Standard (FMVSS) No. 125, 49 CFR §571.125.

4-4-393.201 Frames.

(a) The frame of every vehicle shall not be cracked, loose, sagging or broken.

(b) Bolts or brackets securing the body of the vehicle to the frame must not be loose, broken or missing.

4-4-393.203 Body components.

(a) The vehicle doors or door parts used as entrance or exit shall not be missing or broken. Doors shall not sag so that they cannot be properly opened or closed. No door shall be wired shut or otherwise secured in the closed position so that it cannot be readily opened.

(b) The hood must be securely fastened.

(c) All seats must be securely mounted.

(d) The front bumper must not be missing, loosely attached or protruding beyond the confines of the vehicle so as to create hazard.

4-4-393.205 Wheels.

- (a) Wheels and rims shall not be cracked or broken.
- (b) Stud or bolt holes on the wheels shall not be elongated (out of round).
- (c) Nuts or bolts shall not be missing or loose.

4-4-393.207 Suspension systems.

- (a) No axle positioning part shall be cracked, broken, loose or missing. All axles must be in proper alignment.
- (b) No leaf spring shall be cracked, broken, or missing nor shifted out of position.
- (c) No coil spring shall be cracked or broken.

4-4-393.209 Steering wheel systems.

- (a) The steering wheel shall be secured and must not have any spokes cracked through or missing.
- (b) Steering wheel lash (free play) must not exceed the following parameters:

Steering wheel diameter	Manual steering system lash (maximum)	Power steering system lash (maximum)
16" or less	2"	4-1/2"
18"	2-1/4"	4-3/4"
20"	2-1/2"	5-1/4"
22"	2-3/4"	5-3/4"

- (c) The steering column must be securely fastened.
- (d) Universal joints shall not be worn, faulty or repaired by welding. The steering gear box shall not have loose or missing mounting bolts or cracks in the gear box or mounting brackets. The steering wheels shall turn freely through the limit of travel in both direction.
- (e) All components of the power steering system must be in operating condition. No parts shall be loose or broken. Belts shall not be frayed, cracked or slipping. The system shall not leak and the system shall have sufficient fluid in the reservoir.

Part 395**Hours of Service of Limousine Drivers****4-4-395 Limousine Safety Regulations—Hours of Service.**

Except as amended by the Department herein, Balance of Rule 4-4-395 is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-395, and as amended.

4-4-395.1 Applicability.

None of the rules in Part 395 apply to vehicles and drivers engaged solely in limousine transportation.

Part 396**Inspection, Repair and Maintenance of Limousines****4-4-396 Limousine Safety Regulations—Inspection, Repair and Maintenance.**

Except as amended by the Department herein, Balance of Rule 4-4-396 is contained in the Motor Carrier Safety Regulations of the Department contained in Rule 4-1-396, and as amended

4-4-396.17 Annual Inspection.

Pursuant to the Department's Transportation Rule 5-4.5, all vehicles owned and operated by limousine carriers must be inspected annually by licensed mechanics in accordance with 396.19 of the Federal Motor Carrier Safety Rules and Regulations. In addition to meeting the safety requirements every limousine owned and operated by a limousine carrier shall meet the identification requirements in Rule 4-4-390.21.

**TRANSPORTATION RULES
OF
DEPARTMENT OF MOTOR VEHICLE SAFETY
SUBCHAPTER 4-5
SAFETY OPERATIONS REVIEWS**

Table Of Contents

- 4-5-1 Applicability and Scope**
- 4-5-2 Safety Operations Reviews**

4-5-1 Scope of Rules in this subchapter.

The provisions of this Subchapter apply to motor carriers of property or passengers and other persons subject to the jurisdiction of the Department.

4-5-2 Safety Operations Reviews.

The Commissioner or designated staff members are authorized to conduct Safety Operations Reviews of motor carriers under its jurisdiction for the purpose of determining compliance with the laws, rules, regulations, and orders of the Department or the Federal Motor Carrier Safety and/or Hazardous Material Regulations. Said Commissioner or staff members are authorized to enter upon, to inspect, and to examine any and all lands, buildings, and equipment of motor carriers and other persons subject to the jurisdiction of the Department, and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of such carriers and other persons.

(b) Motor Carriers and other persons subject to the jurisdiction of Department shall submit their accounts, books, records, memoranda, correspondence, and other documents for inspection and copying, and shall submit their lands, buildings, and equipment for examination and inspection. Upon request, display of a Department issued credential identifying him/her as a Commissioner or staff member shall be made. If a motor carrier uses photographic, microfilm, or electronic record keeping technology, it shall make such records available in accordance with Section 390.31 of the Department's rules.

(c) The Department and their staff members are authorized to conduct joint investigations and reviews of motor carriers and other persons with officials of the United States Department of Transportation and their administrations for the purpose of determining compliance with State or Federal laws, rules, regulations, and orders pertaining to motor carrier operations and the transportation of hazardous materials. Consistent with 49 C.F.R. Part 388, the Department and its staff shall exchange information with the United States Department of Transportation that comes to their attention that is believed to indicate a violation of any provision of the safety or hazardous material laws, rules, regulations, or orders of the United States Department of Transportation.